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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 54th MEETING
(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Thursday, 3 March 1994, at 7 p.m.

Chairman: Mr. URRUTIA (Peru)
later: Mr. NEAGU (Romania)

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* The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.54/Add.1.

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The meeting was called to order at 7.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued)

(E/CN.4/1994/3-6, 7 and Corr.1 and Add.1-2, 8, 46-61, 97, 102-104, 110, 115, 119 and 122; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40, 42, 43 and 44; A/48/526 and Add.1, 561, 562, 578, 584, 600 and Add.1 and 601)

1. Mr. CHOEPHEL (Society for Threatened Peoples) said that his organization remained greatly concerned about systematic abuses of fundamental human rights, particularly when perpetrated against distinct peoples, and opposed Governments and others responsible for the suppression, no matter when and where, of human rights and fundamental freedoms.

2. With regard to the situation in Tibet, the reports received from Tibetan and independent sources showed a picture completely different from that presented by the Chinese authorities. The peaceful Buddhist nation had become a Chinese colony. The Tibetan people's fundamental right to exist was being threatened by the repressive totalitarian policies of the People's Republic of China; but the international community, including the United Nations, was ignoring the Tibetans' non-violent struggle. Non-governmental organizations had provided the Commission with more than ample information about the current situation in Tibet which, despite assurances by the Chinese representatives, was far from normal and stable. The alleged progress was not to the Tibetans' benefit; since China's occupation, Chinese nationals had always held the highest political posts in all regions in the country. In that regard, he drew the Commission's attention to NGO statements contained in documents E/CN.4/1994/NGO/23, 24 and 29.

3. During the 44 years of Chinese colonial rule of their country, Tibetans had suffered gross and systematic violations of human rights, including genocide. Between 1949 and 1979, 1.2 million Tibetans, including children, women, nuns, monks and intellectuals, had lost their lives in defending their country's sovereignty; and several thousand political prisoners were detained without any legal justification and international protection. A closer study of the situation revealed that China's illegal occupation also denied to Tibetans their economic, social and cultural rights. During 1993, human rights violations had persisted: violence against peaceful demonstrators, incommunicado detention, unfair trials, harsh terms of imprisonment, including torture, ill-treatment and forced labour, coercive birth control and continued restrictions on the exercise of religious and other freedoms.

4. The policy of large-scale Chinese settlement in Tibet was of immediate concern. The number of Chinese settlers throughout the country was estimated at over 7 million. In addition, traditional Tibetan buildings of outstanding cultural value in Lhasa were being demolished and replaced by market-oriented - which amounted to Chinese-oriented - buildings so as to establish a "socialist city". And Tibetans continued to be treated as second-class citizens in their own country.

5. The situation in Tibet would not significantly improve unless the Chinese authorities relinquished their cruel policies and left. International legal bodies, including the United Nations, had been repeatedly asked why there was no condemnation of the Chinese Communist Party's organized, institutionalized and legalized suppression of human rights in Tibet. The Society for Threatened Peoples strongly urged the Commission to adopt a resolution condemning individual and collective human rights violations in Tibet, and called for the cessation of policies that threatened the Tibetans' distinct cultural, religious and national identity.

6. Mr. SOTIROV (Bulgaria) said that the Commission, on its fiftieth anniversary, remained committed to eliminating cases of mass and flagrant violations of human rights and fundamental freedoms in any part of the world. Since its creation, it had spared no effort to identify such cases and find ways to solve the problems deriving therefrom. Practice had shown the significant progress achieved in countries whose Governments had cooperated constructively with the Commission; such cooperation was especially needed in cases involving internal conflict, extreme nationalism, racial hatred, xenophobia and religious and ethnic tensions which Governments could not successfully combat without the international community's assistance. There was a welcome increase in the number of resolutions on country situations adopted by the Commission without a vote - a trend which enhanced the Commission's potential efficiency and authority.

7. The current situations of human rights violations were so complex and diverse that there was a need to explore new, flexible and unconventional approaches. The persistent pattern of severe and systematic human rights violations in certain countries had been of real concern to the Commission, since the Governments concerned had refused to cooperate, claiming attempted interference in their internal affairs, although such behaviour could not succeed in the long run.

8. The territory of the former Yugoslavia constituted a situation in which the magnitude of the violations endangered regional, and even international, peace and security. Despite the world community's efforts, brutal breaches of international humanitarian law continued on an unprecedented scale. His delegation was grateful to the efforts of the Commission's Special Rapporteur to establish an objective picture of the human rights situation there. As the Bulgarian Minister for Foreign Affairs had said when addressing the Commission at its current session, Bulgaria was seriously concerned about the conflict in question because of the threat that it might extend to other regions and of the dangerous precedent of tolerating a fait accompli. It was regrettable that, in Bosnia and Herzegovina, few of the Special Rapporteur's recommendations had been implemented by the parties to the conflict. The fact that the original perpetrators of "ethnic cleansing" had gone unpunished had

encouraged the other parties to pursue the same policy. He agreed with the Special Rapporteur that such developments, leading logically to a division of Bosnia and Herzegovina along ethnic lines, had been preventable; the current situation was a fait accompli created by the international community itself. His Government firmly reiterated that such practices and consequences should in no way be legitimized, and reiterated its support of Security Council resolution 808 (1993).

9. The atrocities being perpetrated in the former Yugoslavia, such as summary and arbitrary executions, forcible relocation of people, rape and other inhuman and degrading treatment, were being committed under the false slogans of extreme nationalism. As the Special Rapporteur had stated, ethnic cleansing was, in essence, not a consequence but rather the objective of the conflict in Bosnia and Herzegovina. The provisional measures provided for in the International Court of Justice opinions of 8 April and 13 September 1993 should be implemented, and all acts of genocide terminated; steps should be taken to abolish the consequences of "ethnic cleansing" by granting the right of safe return to all refugees and internally displaced persons, as well as establishing the facts about the fate of all missing persons.

10. Bulgaria was seriously concerned about the growing practice of intimidation of minorities, including the ethnic Bulgarian population, in the former Yugoslavia. The Special Rapporteur should pay attention, in that regard, not only to situations posing an immediate threat to regional and international peace and security but also to the situation of minorities throughout the territory of the former Yugoslavia.

11. In the Republic of Serbia, there had been many new attempts to intimidate representatives of the Bulgarian minority. He shared the Special Rapporteur's conclusion, in his sixth periodic report (E/CN.4/1994/110, para. 124), that public life and the media in the country were dominated by ethnic hatred and ultra-nationalist ideology. The climate had thus encouraged discrimination; laws banning incitement to racial and national hatred had not been implemented. Ethnic Bulgarians were the victims of open intimidation and other violations of their rights; there was even a ban on their basic cultural rights and institutions. It was hoped that the situation of the ethnic Bulgarian and other minorities in Serbia would be carefully examined and recorded by the Special Rapporteur in his future reports.

12. His delegation fully subscribed to an extension of the Special Rapporteur's mandate for a further year, and strongly supported his proposal to deploy United Nations officials in the territory of the former Yugoslavia to collect objective information on human rights abuses. Such deployment could replace the former CSCE permanent missions in Serbia and Montenegro.

13. Bulgaria deeply regretted that human rights situations, such as that in Cyprus, had been on the Commission's agenda for so long without adequate solutions having been found. As a country situated not far from Cyprus, it was concerned that the situation, and its human rights aspects, remained unresolved, and supported the relevant Security Council and General Assembly resolutions calling for a comprehensive, just and lasting solution. It felt that the Secretary-General's good offices mission could still play an important role in efforts to that end. Bulgaria was also concerned about the

continuing gross and systematic violations of human rights in the Caucasian region, where post-totalitarian intolerance, mixed with inherited ethnic and religious hatred, had led to daily human suffering and loss of life.

14. His delegation reiterated its commitment to the cause of human rights and fundamental freedoms and its readiness to contribute to the Commission's efforts to eliminate gross and flagrant violations in any part of the world.

15. Mrs. KIRUI (Kenya) said that the Commission had been seized of the question of human rights in Cyprus for a very long time; it was disappointing that it remained unresolved after so many resolutions adopted by the General Assembly, the Security Council and the Commission. The current era was marked by a yearning for peace and peaceful co-existence, even between sworn enemies; therefore, the Greek and Turkish Cypriots should be encouraged to hold talks, in an atmosphere of good faith, accompanied by a genuine desire for peaceful dialogue. In that regard, her delegation was pleased to note that the framework for such talks already existed. It also called upon the other directly interested parties to the conflict to help the negotiation and reconciliation process in order to restore the pre-1974 conditions, in which Greek and Turkish Cypriots had lived together in peace and mutual respect.

16. The first requirement was to ensure the safeguarding of all Cypriots' human rights and fundamental freedoms. That meant that the right of refugees and displaced persons to return to their homes in safety must be guaranteed, as well as freedom of movement and settlement and the right to property. Her delegation endorsed the Commission's previous recommendations in that regard and, in particular, that all the interested parties should do their utmost to find a just and lasting solution based on respect for the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and on the restoration and safeguarding of all Cypriots' human rights and fundamental freedoms. The relevant United Nations resolutions, including those of the Commission, should be fully implemented as a point of departure. Action should be taken at once.

17. Mr. FERNANDEZ de CORDOBA (Ecuador) said it was regrettable that, towards the end of the twentieth century, mankind was still suffering from human rights violations such as hunger, war, arbitrary detention, torture and others. Many regions suffered from racism, lack of freedom and under-development. Men, women and children were suffering and dying. The day of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion, enounced in Article 55 of the Charter, remained far off. In his country's view, respect for human rights transcended frontiers, and violations committed in any part of the world should be roundly condemned, since they affected not only the victims but the whole world community, whose actions should be mobilized to eliminate the last vestiges of such situations. The human person was the centre of international life, and no State could violate human rights with impunity. Ecuador esteemed human rights above domestic legislation, a view which should underline any national and international policy. All efforts to ensure respect for human rights must be based on recognition of their universality, as well as their indivisibility and interdependence. The world community must treat all human rights on an equal footing.

18. Ecuador had done its utmost to improve its juridical system in order to ensure respect for the rights of its inhabitants. Respect for human rights was closely linked to the right of all peoples to seek their material and spiritual development, and with the obligation to create conditions for sustained progress. Barriers to international free trade seriously undermined the right to development, especially those which denied the developing countries' products and commodities access to the developed countries' markets. Governments must recognize the inescapable need for policies which would lead to genuine and increasingly liberal international trade.

19. In order to promote the unfettered exercise of all human rights by the individual, efforts must be made, including recognition by the rich countries of their obligations, to help alleviate the extreme poverty suffered by the peoples of the South, including parts of Latin America. For many countries, the external debt was an almost insuperable obstacle to development; the international community should do everything possible to alleviate that burden.

20. Democracy, development and respect for freedoms were among the basic principles of human rights, without respect for which existence was impossible. Respect for human rights conferred true worth and dignity on people, enabling them to live the life for which they were created.

21. Mr. NASSERI (Islamic Republic of Iran) said that, since the Commission's censure, at its current session, of Israel's routinely repressive behaviour in the territory of Palestine, over 60 innocent Palestinian Muslims had been killed, and over 200 injured, in the Dome of Patriarchs in Al-Khalil by a Zionist settler - a massacre so revolting that even Israeli officialdom, and the United States, had been unable to justify it. That premeditated act showed the very nature and essence of the occupation of Palestine. The problem of settlements had its roots in much earlier violations, by Europeans, of the Palestinians' rights as a nation. Firstly, in the early twentieth century, European Jews had been persecuted and discriminated against, being forced to live in secluded areas and deprived of their fundamental rights. But Europe, instead of providing them with a homeland on its own territory, had joined the call for a Jewish homeland in a Muslim country, Palestine. Thus, European Jews had begun to settle in Palestine and had displaced Palestinians through intimidation and force.

22. In the second phase, following the Nazi-perpetrated holocaust, Europe, in repentance, had offered to create not just a homeland, but a State, for Jews. By that time, settlement had expanded widely and the Jewish population had grown; the British could withdraw, leaving the Jewish settlers enough arms and other resources to complete their conquest of Palestine. The very principle of self-determination for which the Allies had ostensibly fought the Second World War had been denied to the majority Palestinian population in Palestine, since it was there, not in their own countries, that the Western States had wanted the Jews to settle; the Jews, too, had preferred Palestine to somewhere in the West.

23. The third episode had been marked by three Arab-Israeli wars and a very long period of struggle by the Palestinians. The latter had had the developing world's support, but the West's support of Israel had been overpowering. In that way, the West had sacrificed the principle of self-determination in the case of the Palestinians.

24. In Bosnia and Herzegovina, the West had sacrificed the principle of jus cogens. It was ironic that the Security Council, which had mobilized the entire world community to reverse one act of aggression - and, incidentally, save some oil wells - had left the Bosnians virtually empty-handed in the face of Serbian aggression. Even the belated and meagre response reflected in the consideration of NATO air strikes revealed that the overriding concern was to save face, not to uphold justice. And to prevaricate on the grounds of wondering whether the situation was one of aggression or civil war ignored the fact that blatant aggression had been allowed to degenerate into a civil war through failure to suppress it.

25. To make the status quo a fait accompli, thus allowing the Serbs to hold what they had gained through aggression, ignored the roll-back principle agreed upon in the London talks. The Muslims were thus being coerced into disavowing their claim to the "ethnically-cleansed" Muslim-majority areas. All that the Bosnians had asked for was to be allowed to exercise their legitimate right to self-defence. Strangely enough, the Security Council, supposedly extending help to Bosnia, had strangled that nation; the only relevant Council decision being effectively implemented hitherto was that on the arms embargo against the Bosnian Muslims.

26. Thus, the European and other Powers had not only failed to halt the aggression - a failure reminiscent of an appeasement policy pursued earlier in the century - but even prevented the victims from defending themselves, although the right to self-defence was recognized in Article 51 of the Charter.

27. Another chilling factor was that, in Palestine and Bosnia alike, the victims were Muslims and the perpetrators of violence and their supporters were of the West. The West must make up for its having been a direct, and even willing, party to the systematic and flagrant violations of the two Muslim nations' human rights and fundamental freedoms; but unless and until the Western nations acted in earnest to address those two glaring cases of mass violations and strove in good faith to make redress, their claim to respect and promote the human rights of individuals remained false. The whole world expected the West to turn over a new leaf, and soon.

28. Mrs. STRÖM (Observer for Sweden) said that the Commission, at its current session, would continue to transform into action the commitment of all States to universal rights confirmed at the World Conference on Human Rights. The continued violations all over the world must be addressed in unambiguous terms. She wished to emphasize a number of commitments which her Government found particularly important, and to point to instances of violations which were of concern to Sweden.

29. The Nordic countries had already expressed their views on the importance of respect for human rights and humanitarian law in the territories occupied by Israel. In the aftermath of the horrible event in Hebron on Friday, 25 February, however, they strongly underlined that the Government of Israel must take full responsibility for the protection of the inhabitants in the territories it occupied. They called on that Government to undertake an immediate investigation into the circumstances of the massacre. The Swedish Government urged all parties to refrain from any action that might worsen the current situation, and make every effort to avoid derailing the ongoing peace process.

30. The violation of the right to life and security of the person was among the most atrocious forms of human rights abuses. Yet political killings, torture and disappearances committed by agents of the government, or condoned by it, still occurred in many countries. One such country was Iraq, where the human rights situation - particularly the persecution of the population in the southern marshlands and the oppression and blockade of the Kurds - was extremely serious.

31. In Myanmar, too, atrocities continued to be committed on a wide scale in the form of extrajudicial executions and torture, as well as forced labour, rape and forced relocation. Moreover, the Swedish Government considered that the establishment of the National Convention did not constitute the necessary step towards the restoration of democracy that had been called for by the international community.

32. Her country was deeply concerned at the reports of severe abuses of human rights committed with complete immunity in Zaire, involving arbitrary killings of civilians, rape and looting by the security forces.

33. Arbitrary killings, torture and harassment remained the order of the day in Haiti as the military leadership and paramilitary forces continued their repression and intimidation. The Swedish Government urged the military in Port-au-Prince to observe its commitments under the Governor's Island Agreement and to allow the reinstatement of the civilian Government.

34. The prevailing high level of violence in Colombia, much of which was attributable to the military's lack of respect for human rights, was cause for concern. Abuses by all parties must be condemned and impunity stopped.

35. As for El Salvador, although the peace process had brought considerable improvements, instances of extrajudicial execution by paramilitary groups and wrongful detention by the police continued to occur. The impunity accorded to perpetrators of human rights violations gave cause for concern. The fact, however, that no enforced or involuntary disappearances had been registered in 1993 was a most welcome development, as was the establishment of the new civilian police force and the police academy. The imminent elections represented an important step towards democracy.

36. Meanwhile in Guatemala disappearances, summary executions and torture still occurred, despite the new Government's commendable intentions. Threats continued to be made against human rights monitors, trade unionists, journalists and others. Sweden trusted that political and legal action would be taken to implement human rights standards.

37. The grave human rights situation and the continuing violence in Kashmir gave rise to serious concern. The parties involved should seek a peaceful solution; international humanitarian and human rights organizations, and the media, should be allowed to visit the area.

38. Sweden was also particularly concerned by the continuing practice of torture, arbitrary detention and harmful treatment of persons in custody in Turkey.

39. She reiterated her Government's view that the irrevocability of the death penalty made its abolition an issue of fundamental importance and its condemnation of the use of capital punishment in contravention of international standards. In particular, it should never be imposed on minors or mentally disabled people.

40. Human dignity could not be enjoyed without freedom of thought, conscience and religion. The right to have a faith or to adopt a faith obviously included the right to convert from one religion to another. In the Islamic Republic of Iran the suppression of such freedoms took particularly grave forms. The systematic discrimination against - and persecution of - people belonging to religious minorities, notably by Baha'is and representatives of Christian communities, gave rise to deep concern. The number of executions was still alarmingly high and the practice of torture in custody and political detention continued. It was regrettable that the Iranian Government had not fully cooperated with the Special Rapporteur. The reported numerous instances of intimidation and assault by Iranian agents on Iranian citizens abroad, and the continuing threat to the life of the author Mr. Salman Rushdie, were unacceptable breaches of basic principles of international law. The Government of Iran should dissociate itself from what was, in effect, incitement to murder.

41. Since the democratic process in Algeria had been discontinued some two years previously, many dissidents had been killed in government security operations and many innocent civilians and foreign nationals had been assassinated in terrorist actions. Violence and abuses of human rights by both the Government and opposition groups were increasing. The Swedish Government called on all parties to support attempts at reconciliation.

42. Sweden remained strongly concerned at the situation of human rights in China, noting that the freedom of conscience, expression and assembly were still severely restricted. The administration of justice fell below international standards and numerous advocates of democracy and human rights continued to be imprisoned for political motives and without guarantees of a fair trial. The extensive use of the death penalty was a serious concern to

her Government, which also deplored the repression of ethnic and religious groups, particularly in Tibet. The release of some political prisoners and the willingness to allow foreign human rights delegations to visit China were welcome, but they were only a small beginning.

43. There was similar concern regarding the Democratic People's Republic of Korea, where human rights violations included disappearances and detention for expressing dissenting views.

44. With regard to Indonesia and East Timor, the Swedish Government had noted some positive developments. It remained concerned, however, about continued reports of instances of extrajudicial killings, torture and arbitrary detention of political dissidents.

45. In spite of some positive measures adopted by the Government of Equatorial Guinea, arbitrary detention, torture and intimidation persisted and had led to the failure to hold free and fair elections.

46. Reports from Cuba showed that there, too, systematic violations of the freedom of opinion, expression, association and assembly persisted. Arbitrary detention and various forms of harassment were frequently used to intimidate peaceful proponents of human rights and democracy. Sweden urged the Cuban Government to cooperate with the Special Rapporteur so that a constructive dialogue on such issues could take place.

47. Basic freedoms were encroached on in the Caucasus and Central Asia. In Azerbaijan, dissidents were victims of harassment and arbitrary detention and freedom of expression was restricted. Opposition newspapers had been forced to close down. Similar persecution took place in Tadjikistan, Uzbekistan and Turkmenistan.

48. Ethnic tension, xenophobia and various forms of racism posed an increasingly serious threat to the enjoyment of human rights in many parts of the world, not least in Europe. Discrimination on ethnic or religious grounds warranted decisive action by Governments and the international community.

49. The most extreme example of such tension was the horrendous policy of ethnic cleansing initiated by the Bosnian Serb authorities, involving atrocities of a magnitude that had not occurred in Europe since the Second World War. The practice of rape as a means of warfare was particularly obnoxious, as well as being a grave breach of international humanitarian law.

50. In Bosnia and Herzegovina, the civilian population was being terrorized by all sides, but particularly by Bosnian Serb and Croat forces. The massacre in the market place at Sarajevo was a particularly bloody example. The use of access to humanitarian aid as a tool of war was also deeply reprehensible.

51. In Croatia, too, serious discrimination was directed against Serbs, Muslims and Croatian citizens of Bosnian origin. Ethnic cleansing by irregular Serb forces continued in United Nations Protected Areas.

52. The human rights situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) also remained serious. Among the abuses that occurred were the use of brutal and excessive force by the police, public incitement to ethnic discrimination and hatred, infringements of the freedom of expression, the refoulement and forced recruitment of refugees and violent discrimination against ethnic and religious groups in Kosovo, Sandzak and Vojvodina.

53. The perpetrators of those crimes must be held responsible and brought to justice. Sweden urged all member States to render assistance to the International Tribunal. Her country also firmly supported the efforts to bring about an end to hostilities and a lasting solution to the conflict.

54. However vigilant the international community might be, the role of human rights defenders around the world was indispensable. The untiring work of both individuals and non-governmental organizations could not be overestimated; without them, the awareness necessary for change would not exist.

55. Mr. PROCHACKA (Slovak Republic) said that, following the fall of the communist dictatorship, Slovak society had suddenly been faced with the task of transforming its political, economic and social system to one of parliamentary democracy, a market economy and a free civic society. One of the key dimensions of that process was the "humanization" of the country, with the strongest emphasis being put on the dignity and individual rights of each person.

56. The Federal Assembly of the Czech and Slovak Federal Republic had accepted the European Convention for the Protection of Human Rights and Fundamental Freedoms in January 1991 and the Convention had been incorporated into the Slovak Constitution adopted by the Slovak Parliament in September 1992. With that step the Slovak Republic had entered the community of civilized democratic States, showing its commitment to creating institutions that would confirm the irreversibility of democratic change in Slovakia.

57. Once the Slovak Republic had become an independent sovereign State on 1 January 1993, it had acceded to all the multilateral agreements relating to human rights to which the former Czechoslovakia had been party, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and its Optional Protocol. It had also established a Constitutional Court. Its readiness to contribute to achieving full protection for human rights and fundamental freedoms was demonstrated both by the establishment of the Slovak National Centre on Human Rights, on 1 January 1994, and its invitation to experts on the rights of people belonging to national minorities to study the status of those rights in Slovakia and to advise on problems relating to them. He expressed his appreciation for the assistance provided by the Government of the Netherlands in establishing the National Centre.

58. The Slovak Government had welcomed several monitoring missions during the previous year, both in connection with its admission to the Council of Europe and with its desire to show that the problems affecting national minorities in Slovakia could be solved. A "round table" of minorities had been set up, at which the Government conducted a systematic dialogue with representatives of minorities with the aim of creating an institutional and legislative framework for solving any problems.

59. Romanies were frequently victims of racial - and mainly socially motivated - prejudice because of the significant difference in their value orientation and way of life. In April 1991 the Slovak Government had adopted a document on the principles governing government policy towards Romanies, recognizing them as a special nationality, with all the political and legal consequences arising from such recognition. It was a decisive step towards the national emancipation and revitalization of the Romany population. A project due to be implemented during the current year was to house Romany families. He expressed the hope that the various actions taken by the Slovak Republic would allow it to be characterized as a functioning multiparty, multi-ethnic democracy.

60. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that the Confederation, which grouped 120 million workers organized in 174 national trade union organizations in 124 countries, was deeply concerned at the increasing number of cases of serious violations of trade union rights throughout the world. It was sad that democratization in various parts of the world had not brought in its wake a reduction in the number of such cases. The struggle for the full respect of human and trade union rights did not end with the establishment of democratically elected Governments. It was not just the remaining military regimes which repressed trade unions, but in the industrialized world the free market was being glorified to the detriment of freedom of association.

61. Latin America remained the most dangerous continent in which to be a trade unionist. Among the countries with the worst record of violations of trade union rights was Colombia, where hundreds of trade unionists were murdered each year. Some 95 people had been killed in the banana plantation zone of Uraba; a leading member of the Union of Brewery Workers had been assassinated; and three close relatives of a leading member of the Confederación de Trabajadores de Colombia, Amelia Molina, had been tortured and murdered, presumably by soldiers of the Colombian army. Confirmation of the role of the police and security forces in repression had come when eight union leaders participating in a seminar on the economy had been arrested. As recently as 15 February 1994 the leader of the Agricultural Union in Magdalena had been murdered by hired killers. Such a catalogue of serious abuses of human rights should be enough to prompt the Commission to appoint a special rapporteur on such violations in Colombia.

62. Another country which warranted the Commission's continued attention was Haiti. The ferocious repression inflicted on supporters of democracy, including trade unionists, should be strongly condemned. Human rights abuses were still perpetrated in El Salvador, where workers had been dismissed for merely having joined a trade union, and in Guatemala, where the Secretary of the Rubber Tappers and Wood Workers Union had been arrested on a trumped-up

charge of theft. That and other cases of imprisonment or arrest were reprisals against the Union for denouncing illegal logging in the tropical rain forests.

63. In Asia the country with the worst record of human rights abuses was Myanmar. Workers' and peasants' organizations had been banned since the military coup of September 1988. Workers had no right to organize or to bargain collectively. In flagrant violation of International Labour Organisation (ILO) Conventions relating to forced labour the State Law and Order Restoration Council (SLORC) regularly employed forced labour on its building and infrastructure projects. Since 1 November 1993 thousands of civilians from the Mon, Karen and Tavoyan communities had been conscripted as slave labour to construct the Ye-Tavoy railway. Many had fallen sick and died of exhaustion. Hundreds more had fled to the refugee camps along the border with Thailand. He regretted that despite the Commission's many condemnations of human rights abuses by SLORC many ASEAN countries still traded with Myanmar. He urged that all economic contacts with that country should be frozen until human rights were respected once again and the opposition leader Daw Aung San Suu Kyi had been unconditionally released.

64. In Indonesia, too, abuses of trade union rights were still widespread. A few weeks earlier the Chairman and 18 other activists of the Indonesian Prosperity Trade Union had been arrested ahead of a general strike on 1 February 1993, which had aimed to obtain full respect for the freedom of association, and particularly the revocation of the government decree banning independent trade unions. There was currently only one officially recognized trade union federation, which was government-sponsored. He deplored the cynicism of the Indonesian Government, which cracked down on trade unionists the month after trumpeting the repeal of a law authorizing the military to intervene in labour disputes.

65. He also drew the Commission's attention to the severe repression of the independent labour movement in China. Quoting one case out of many, he described the situation of Han Dong Fang, leader of the Workers' Autonomous Federation, who had contracted tuberculosis while in detention for free trade union activities. After being allowed to travel to the United States for treatment, he had been interrogated on his return, severely beaten up and forcibly expelled. The Chinese Government's claims that it acted to preserve stability and had different standards of human rights should be forcefully rejected. The idea that the brutal suppression of dissent served development was unacceptable; the Chinese people would certainly prefer poverty to the suppression of their rights.

66. Harsh repression was to be found in several countries in Africa. One such was the Sudan, where genuine trade unions had been dissolved and puppet unions had been set up in an attempt to demonstrate that normal trade union activity had been restored. The authentic representative of Sudanese workers had been forced into exile. Togo, too, was a serious offender against trade union rights. He highlighted the case of Mr. Komi Dackey, a leader of the Civil Aviation Union and a key player in the 1993 pro-democracy strikes, who

had been arrested and was in detention. There were fears for his life and the Confederation called on the Commission to ask the Government of Togo to release him immediately. In Chad, meanwhile, two activists from the Confederation's affiliate in that country had been killed in two separate attacks in October and November 1993.

67. It was unfortunate that democratically elected Governments also frequently violated trade union rights. Prominent among them was the Government of the United Kingdom, which had imposed a ban on trade unions at the Government Communications Headquarters since 1984. It was a matter of deep concern that the British Government continued to ignore repeated ILO rulings that the ban was in breach of the internationally recognized right to freedom of association.

68. In eastern Europe representatives of the Congress of Democratic Trade Unions of Belarus had been victims of police repression, following the call for a general strike to protest against the workers' right to strike and the withdrawal of check-off facilities for independent trade unions. The Commission should redouble its efforts to ensure that workers both there and worldwide could exercise their rights freely and without fear.

69. Ms. MIRANKA (International Work Group on Indigenous Affairs) said that she was a nurse educator who had recently escaped from behind the Papua New Guinea blockade of her island, Bougainville, accompanying 12 patients seeking urgent medical treatment in the Solomon Islands. She had been a witness to the tragic effects over the previous five years of the blockade, which was genocidal and should be condemned by the Commission.

70. Mothers and children had suffered particularly. She represented them in stressing the need for a workable strategy to end the sufferings of her people. Since 1991 more than 5,000 people had died from normally preventable diseases. She gave the Commission a detailed list of the causes of death, amounting to 525 over five years, in two areas of about 10,000 people each. Large numbers had died from malaria (80), pneumonia (60), urinary tract infections (40), gastroenteritis (60), neonatal illnesses (50) and tuberculosis (40).

71. In addition there had been 70 deaths in childbirth. Children had been born under trees or in caves, without hospital facilities, as a result of the blockade and mothers had bled to death because of the lack of transfusion facilities. Mothers and babies were carried on stretchers to the nearest clinic, but often died on the road. When it rained they had to cut leaves from banana trees to cover their children. To keep their children alive in the jungle mothers had to carry food on their backs on steep mountains for 12 hours a day. Husbands had died while searching for food for their families.

72. The people of Bougainville lived in fear of the Papua New Guinea military. Strafing of their villages by Iroquois helicopter gunships was an everyday event. Mortar bombardment by the army had destroyed many of their villages and food gardens. Smoke from bombs dropped from a military plane made the skin itchy and sore; when these sores were scratched they became ulcers that could not be treated. The chemicals from the bomb explosions had also contaminated their food gardens and malnutrition had become a major problem.

73. The women of Bougainville appealed to the Commission to find a way of promoting dialogue between the Bougainvillean leaders and the Government of Papua New Guinea to end the sufferings and to determine the political future of Bougainville. The blockade should be lifted as a matter of urgency. International fact-finding missions should be allowed to visit her people, freedom of movement should be restored and health services reinstated. Above all there should be an end to the conflict and a negotiated settlement.

74. Mr. MAHONGO (International Work Group on Indigenous Affairs) said that his people, the !Xu, together with the Khwe, together known to Westerners as the "Bushmen" or "San", had once inhabited the whole of southern Africa, and were often also referred to as the "first people". Over the centuries, they had suffered as a result of their unassertive and unaggressive culture, and it was now estimated that as few as 70,000 Bushmen survived in Angola, Botswana, Namibia and South Africa.

75. The !Xu, also known as the Vasaquela, had lived mainly in southern Angola, where many of them had been employed by the Portuguese as trackers. When the Portuguese withdrew in 1974, they had been persecuted and massacred by the liberation armies, and had fled south, where they were employed by the South African army. For the next 15 years they had been associated with the South African Defence Force, first in Angola and then in Namibia. As fighting did not come easily to the !Xu and the Khwe, they tended to be used more as trackers and as reconnaissance experts than as soldiers. In 1990, just before Namibia's first elections were to be held, they had had to choose whether to leave the South African Defence Force and remain in Namibia, or to remain with the Force and move to South Africa with their families. That had been a difficult decision. Many had believed that the South West Africa People's Organization (SWAPO), which had been their enemy in the bush war, would treat them harshly after coming to power.

76. About half his people had remained in Namibia, and in March 1990 about 4,000 of the !Xu and Khwe had been airlifted to Schmidtsdrift, an army base near Kimberley in South Africa. They had remained there ever since, living in extremely primitive and uncomfortable conditions that afforded no protection against extremes of climate, and housed without regard to the clan and extended family systems that played such an important role in their culture. They had been automatically granted South African citizenship, and about 560 of them were still employed by the South African Defence Force.

77. Their future was very unclear. Should they remain in their new country, or should they return to Namibia or even Angola? In November 1993, for the first time in their history, they had taken a step towards deciding their own future: with the help of anthropologists, human rights lawyers and other concerned individuals, they had formed the South African !Xu and Khwe Trust to assist them in the difficult decisions that must be taken in the next few years.

78. They had no experience of political organization in a modern society: until recently they had lived in clans of up to 30 people, taking decisions by consensus, worshipping nature, sharing their few possessions and living off the land. No person had been more important than another, and they had no words for "elections" or "voting". Recently, they had elected a leadership group of 30 people to sit on the Trust. With the assistance of 10 outside Trustees, that group would assist them in addressing the major problems facing them, inter alia: insecurity, lack of identity and loss of respect for tradition; lack of work and economic skills; alcoholism and juvenile delinquency; the need for a strategy to rebuild their people and pride in their culture; and the need for a clear vision of a meaningful existence for them in the modern world. It would take many years to build up their faith and redevelop those family and cultural links that made up a healthy society. They needed to be separate from other people. They could work peacefully with all races and peoples, but they had a strong desire to own their own land, and to determine their own laws, customs and lives. They were desperate for money to assist them in buying land, building schools and developing their community. Financial assistance would be gratefully received.

79. Ms. ESQUIVEL (Movement against Racism and for Friendship Among Peoples) said that, for more than a decade, there had been a systematic pattern of violations of the human rights of Colombians by the State, in the name of the fight against terrorism. Those violations included disappearances, extrajudicial executions, murders, arbitrary detentions and torture; and, more recently, the denial of social and political rights, threats to the freedom of expression and repressive legislation to curtail the right of defence and judicial guarantees.

80. In the eight years since its formation in 1985, more than 2,000 members of the opposition party Unión Patriótica, at all levels from presidential candidates to sympathizers, had been killed. After being elected a councillor on the Unión Patriótica ticket in 1990, she herself had been compelled by an armed band to flee the country. In June 1993, the existence of a plan prepared by senior military authorities, known as Plan Golpe de Gracia (Coup de Grâce Plan) had been revealed, the purpose of which was to assassinate leaders of Unión Patriótica. There had also been an increase in actions by paramilitary groups against community and peasant organizations, trade unions, the urban poor, human rights activists and members of the judiciary.

81. Human rights in Colombia were violated under a cloak of democracy. The Government presented itself as the victim, blaming drug traffickers and guerrillas for abuses; but it was actually itself the culprit. Paramilitary groups acted as an irregular army within the regular army, and were used as an instrument of policy. Impunity thrived, since under the new Constitution,

crimes by the military were tried before military courts. The result was that, rather than being punished, the perpetrators of human rights violations were actually promoted. In addition, 1991 had seen the introduction of special courts in which the accused were denied the right of defence. Those courts had been used to pass prison sentences on trade union and social leaders and opposition activists. Against that background of human rights violations by the Government, the time had come to appoint a special rapporteur to look into the situation in Colombia.

82. Mr. SIMOES (Movement Against Racism and for Friendship Among Peoples) said that he had come before the Commission as an eyewitness to the atrocities committed by Indonesia in East Timor. He had been arrested for the first time by Indonesian security forces in 1978; had spent a total of eight years in Indonesian jails and had many times been subjected to torture; but had never once been tried under due process of law.

83. His companion, Joao Antonio Dias, formerly a paramedical worker in the military hospital in Dili, had witnessed the killing of survivors of the massacre at the Santa Cruz cemetery in Dili on 12 November 1991. Indonesian security forces had come to the hospital, where they had crushed the skulls of the wounded with rocks, finished off wounded students by running them over with army trucks, and poisoned the wounded with lethal pills. Indonesian doctors and nurses had cooperated in the killing.

84. Aviano Antonio Faria had survived both the Santa Cruz massacre and the second massacre in the military hospital. He had been taken for dead and sent to the mortuary, along with many other seriously wounded demonstrators. When he was found to be alive, he had been struck over the head with a gun butt and had sustained a fractured skull. After two months in the hospital he had been forced to agree to work as an informer, in order to save his life. Together with Joao Antonio Dias, he had recently fled East Timor to escape a renewed campaign of terror by Indonesian security forces. All three witnesses appealed to the Commission to send a mission to investigate the situation in East Timor.

85. U SEIN WIN (International Peace Bureau) said that in the two years during which Myanmar had been handled under the 1235 procedure there had been no fundamental changes in the situation. The State Law and Order Restoration Council (SLORC) continued to control the daily life of citizens by means of surveillance, intimidation, harassment, arrest, detention and torture. Violations of human rights fell into two main categories: restrictions regarding fundamental freedoms and human rights, and the wanton destruction of ethnic populations.

86. In the four years since the 1990 general election, SLORC had not respected the will of the people who had voted for the National League for Democracy (NLD), but had instead tried to destroy the NLD leadership and its elected representatives, arresting some, torturing others and intimidating the rest. In response to international criticism, it had, since early 1993, been holding a series of meetings of the so-called National Convention to draft a new constitution. Most of the representatives elected in 1990 were excluded from participation in the Convention; delegates did not have the right to express their opinion; and to legitimize its rule SLORC had imposed clauses in

the new constitution guaranteeing a major role for the military in the political life of the country; the military were to participate in both the legislative and administrative branches of government. It was obvious that the National Convention was merely a propaganda exercise.

87. Some 2,000 political prisoners had reportedly been released by December 1993. However, hundreds still remained in detention, among them 37 elected representatives, most of whom had been sentenced to prison terms of up to 25 years. Even those released were not free from harassment and intimidation, and they were also prohibited from participating in the political process. Nobel Laureate Daw Aung San Suu Kyi was still under house arrest. She had recently been allowed to meet with a United States Congressman, a representative of UNDP, and a reporter; but there had as yet been no response to her proposal for national reconciliation through high-level dialogue between SLORC and herself. Instead, SLORC had said that even if it met with her, the talks should not be interpreted as a political dialogue. In addition, in January 1994 her detention had been extended for another year. It was imperative that, as the key to any comprehensive political settlement, she should be released immediately and unconditionally to participate freely in the political process.

88. Arrests of student activists, trade unionists and NLD organizers had continued in 1993. Although military tribunals had been abolished, martial law decrees were still in force and were used to sentence political dissidents. Trials were not open to the public, and political prisoners did not have access to legal counsel or due process. Political prisoners were tortured and subjected to other forms of ill-treatment. Conditions in prisons were terrible. Medical care was rarely available, and many prisoners had died of diseases since 1988. SLORC continued to ignore the repeated call of the Commission to allow the International Committee of the Red Cross to visit prisons.

89. Although there had been little fighting between SLORC's army and the various armed ethnic democracy groups in the past year, SLORC had been making preparations for the total occupation of ethnic areas. Most of the human rights violations had taken place in areas near the war zone. In the past year, the number of refugees on the Thai border had increased by 10 per cent to 72,000. SLORC had stepped up its strategy of low-intensity conflict in the rural areas, attempting to isolate the armed resistance groups by depriving them of information, food, finances and recruits (the so-called "Four Cuts Strategy"). Under that strategy, villagers were forced to move to areas under SLORC control or face execution. They were uprooted from their homes and herded into concentration camps, where they were often deprived of adequate food and safe water, or subjected to beatings. The women had been subjected to gang rape by the soldiers. Thousands of people had become internal refugees hiding in the jungle. Between 1989 and 1993, SLORC had relocated more than 356,000 people from over 800 villages.

90. Another cause of the ethnic exodus was the massive conscription of forced labour to construct roads, railways and dams. The economic life of thousands of families had deteriorated as income earners were forced to contribute unpaid labour. In addition, conscripted labourers had to provide their own food and medical care. In consequence, many had died of exhaustion, malnutrition and disease.

91. Together, political repression and the breakdown of the economy had brought about a humanitarian crisis in which nearly 500 children under the age of 5 died each day, many from preventable diseases. Trafficking in women and children and the related AIDS problem were other early warning signs of that crisis. The root cause of that miserable situation was militarism based on the concept of "might is right" and intolerance to political and cultural differences. Peace could be restored not by conquest but by genuine national reconciliation, in keeping with the precepts of Buddhism. Real economic development could take place only when all citizens were free to participate in deciding the nation's future. In the light of the continuing seriousness of human rights violations in Myanmar, his organization requested the Commission to renew the mandate of the Special Rapporteur for a further year, and to widen it by asking the appropriate thematic rapporteurs and other figures associated with the special procedures system to accompany the Special Rapporteur on his next visit.

92. Ms. ARRIVILLAGA DE CARPIO (Commission for the Defence of Human Rights in Central America) said that on 3 July 1993 she had witnessed a massacre in which one of the four victims had been her husband, Jorge Carpio, the founder and editor of the daily newspaper El Gráfico, and founder and Secretary-General of the Unión del Centro Nacional party. Nine party members had been stopped at Molino el Tesoro (El Quiche) by a band of 20 or 30 masked and heavily armed men. One of the murderers had stopped the first vehicle and had said, "You are Jorge Carpio, we are going to kill you.". The armed men had then proceeded to shoot at the party at point blank range. Carpio, one of four fatalities had died of his wounds in hospital shortly afterwards.

93. As an eyewitness of those events, she had never ceased to maintain that the death of Jorge Carpio had been a political crime and an extrajudicial execution. Recently, the Oficina de Derechos Humanos del Arzobispado had stated in its annual report that Carpio had been eliminated by civil self-defence patrols (PACs), which elsewhere in the report it described as bodies subordinate to the army. And in Mexico on 3 September 1993, a former agent of the G-2 military intelligence service had stated that Carpio's murderers had been members of G-2.

94. It was an open secret that the army had always been the power behind the throne in Guatemala. Throughout the country's history, it had taken the law into its own hands, executing local peasants, indigenous indians, teachers, priests, students, trade unionists and political activists with impunity. However, it could not execute nationally or internationally known figures with the same impunity. In recent years it had thus adopted the policy of disguising executions as accidents or attributing them to common criminals.

95. Jorge Carpio had been a distinguished journalist and political leader who, for 30 years, had promoted peace, sport, education and culture, respect for human rights and political organization through the columns of his newspaper. On 14 July 1983 he had launched the Unión del Centro Nacional party to promote peace, work, freedom and an end to extremism through national unity. He had created a platform in the middle ground of politics in which men and women of goodwill could express themselves politically through dialogue and consensus. His leadership and civilized approach to politics had won him the first round of the 1990 Presidential elections. At the time of his death he had been Vice-President of the London-based Liberal International, and former President of the Federation of Liberal and Centrist Parties of Central America and the Caribbean. His democratic spirit had played a key role in the events following former President Serrano's coup d'état.

96. In the seven months since Carpio's murder, the Government had shown no political will to clear up the circumstances of his death. The quadruple murder had been blamed on common criminals, and a number of people had been detained. However, forensic tests had proved negative, and no firearms had been found in their possession matching the calibre of those used in the murders. Photographic evidence of the weapons and of the autopsies had since disappeared; and on 19 January 1994 the archive containing the records of the case had been destroyed by fire.

97. Thanks to national and international aid, some progress had been made. The independent expert on Guatemala had stated that Carpio's death had been an extrajudicial execution. The Government of Germany and various international and national non-governmental organizations had undertaken to take up the case in the Commission. Jorge Carpio was entitled, not to vengeance, but to justice. A man who, as his country's representative at the General Assembly's Third Committee had once helped draft the two International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and who had laid down his life in the cause of world peace and the modernization of Guatemala, deserved no less.

98. Ms. MARTENSEN (International Movement Against All Forms of Discrimination and Racism - IMADR) said that in Bangladesh the Jumma, people of the Chittagong Hill Tracts had suffered continuing human rights violations for over a decade and been subjected to religious persecution since the declaration of Islam as the State religion in 1988. Many Jumma had taken refuge elsewhere, 54,000 for example in Tripura, India, and their lands had been seized by Muslim settlers. Although the Government of Bangladesh was anxious to demonstrate that the Hill Tracts were safe for the repatriation of those refugees, the area was still militarized, the lands seized by Muslim settlers had not yet been vacated, and rape and abduction still commonplace. Given the unstable environment, IMADR considered that repatriation should be discouraged until the Bangladesh Government made clear its commitment to return the land seized and ensure the security of returnees. In addition, it hoped that the Governments of India and Bangladesh would permit UNHCR to observe the repatriation and urged the Bengali authorities to repeal laws which discriminated against the Jumma.

99. The inhabitants of the island of Bougainville had for the past four years endured the devastating effects of the total blockade imposed by the Government of Papua New Guinea. In the continuing impasse in negotiations between the Bougainville Rebel Army and Papua New Guinea defence forces, Bougainvilleans were struggling to survive as necessities and necessary services, including water supplies, became scarcer. As in many conflict situations, those hardest hit were women and children. Access to the civilian population was consistently being obstructed by the Government of Papua New Guinea, causing many non-governmental organizations to cease operations and withdraw from the area. IMADR appealed to the Government of Papua New Guinea to end its discriminatory treatment of Bougainvilleans and to respect the Fourth Geneva Convention of 1949, suggested that the Secretary-General should appoint a special envoy to contact representatives of Papua New Guinea and Bougainville to explore peaceful ways to resolve the conflict.

100. The Iraqi army attacks against Shiite opposition members along the border between Iraq and the Islamic Republic of Iran, coupled with the draining of the area's marshes to facilitate access by armoured personnel carriers, had had dramatic repercussions on the marshes' inhabitants, known as the Maadan, who lived by fishing, cultivating rice and breeding water buffalo and who, in addition to the destruction of their environment, had been the victims of racism and gross violations of human rights for the past two years. IMADR commended the Third Committee of the General Assembly for its recent resolutions condemning Iraq's human rights violations against the inhabitants of the southern marsh areas and urged Iraq to comply with the General Assembly's request to station United Nations monitors throughout the area.

101. The people of Tibet had been exposed to severe human rights violations for over 40 years, many of which had been documented by well-known human rights organizations. IMADR supported the Tibetan Government in exile in its call for the Commission to appoint a special rapporteur on Tibet and to help by means of other measures to bring an end to the systematic gross violation of human rights in the region. It urged the Chinese Government to begin negotiations with Tibetan representatives and to end its destructive policy of transferring Chinese settlers to Tibet.

102. Despite widespread international concern at the situation in occupied East Timor, flagrant violations of human rights persisted. Recent allegations that lethal doses of paraformaldehyde had been administered to demonstrators wounded during the Dili massacre which raised the death toll to over 300 should be investigated by the Commission. IMADR was also disturbed at the failure of the Government of Indonesia to implement Commission resolution 1993/97.

103. Patterns of gross violation such as ethnic cleansing and apartheid were not applicable solely to the former Yugoslavia and South Africa but also to the Kingdom of Bhutan, where thousands of Bhutanese citizens had been victimized by State-sponsored violence and forced to flee their country since 1988.

104. Mr. PRADHAN (International Movement Against All Forms of Discrimination and Racism - IMADR), speaking also on behalf of the Peoples Forum for Human Rights, Bhutan, said that until 1988 the diverse ethnic, linguistic and cultural groups inhabiting the Kingdom of Bhutan had lived in relative harmony despite the undemocratic nature of the ruling feudal monarchy. The origin of the current crisis was the 1985 Citizenship Act passed by the Drukpa Government, containing a retroactive implementation date of 1958, which stripped many Bhutanese citizens of their nationality. The introduction of a Cultural Code, which enforced adherence to the dress code, language and culture of the Drukpa group, further violated the rights of other groups, including the Southern Bhutanese of Nepalese origin, who at that time made up 53 per cent of the Kingdom's population. The repression which began in 1988 soon escalated into State terrorism, forcing over 90,000 South Bhutanese to flee to nearby India and Nepal.

105. The long awaited ministerial level meeting in October 1993 between Bhutan and Nepal had created four categories of Bhutanese refugees: Bhutanese citizens who had been forcibly evicted, citizens of Bhutan who had emigrated voluntarily, non-Bhutanese posing as Bhutanese refugees and Bhutanese citizens who had committed criminal acts. That categorization, being politically motivated and designed to limit the number of refugees to be repatriated, was completely arbitrary and did not comply with accepted international standards concerning refugees. Furthermore, the security of many south Bhutanese who had fled their country remained questionable, even in refugee camps. Many opponents of the Government had been kidnapped from camps in India and Nepal and handed over to the Bhutanese authorities to face torture in secret detention centres.

106. The tragedy of Bhutan had received little international attention. IMADR urged the international community to put pressure on the Bhutanese authorities to deal with the situation fairly and in accordance with the universal principles of human rights. It further urged that a fact-finding mission should be sent to south Bhutan to assess the extent of human rights violations, and to West Bengal, Assam and refugee camps in Nepal and India to investigate the number of people abducted and their current status and location.

107. Mr. CICERON (World Confederation of Labour - WCL) said that his organization wished to draw the Commission's attention to the situation of workers in a number of countries.

108. In Colombia, in 1993, disappearances, massacres and arbitrary arrests had increased in number, in complete impunity. Many trade union activists had been brutally murdered. In some public sectors, strike action was considered an act of terrorism; following a strike in the National Telecommunications Company, eight trade union leaders had been detained for nearly 10 months and subjected to the procedures applied to terrorists.

109. In Cuba, there had been further gross violations of civil and political freedoms; the right to form an independent trade union was not recognized. Any attempt to call for respect for fundamental human rights appeared to be severely punished and prisoners were subjected to ill-treatment.

110. The WCL shared the views of the Independent Expert on the situation in Guatemala; her report moreover noted that members of the General Federation of Guatemalan Workers had been abducted and arbitrarily detained together with other human rights defenders.

111. With regard to Haiti, the WCL joined those who condemned the authorities in Port-au-Prince for their complicity in the imprisonment, torture or murder of thousands of people, including trade union members.

112. The arbitrary measures brought about by the state of emergency in Peru included abuse of the freedom of association; many trade union leaders had been subjected to intimidation and death threats. The WCL had been surprised to note Peru's sponsorship of draft resolution (E/CN.4/1994/L.22) on trade union rights and considered it would do well to implement the provisions of the text itself.

113. In Côte d'Ivoire, the government authorities had had no compunction in evicting some 800 workers and their families during the rainy season, following a protest strike against the continuing violation of trade union rights in a State-owned enterprise.

114. The WCL recalled that many prisoners in Morocco were being subjected to cruel and degrading treatment for claiming the implementation of the civil and political rights recognized by the international community. The Secretary-General of the Democratic Confederation of Labour had spent two years in prison on those grounds. A strike called by that Confederation had recently been banned by the Moroccan authorities despite the fact that article 14 of the Constitution recognized the right to strike.

115. In Gabon, a strike action had been brutally suppressed and trade union officials had recently been arrested.

116. The Government of Indonesia had recently adopted a number of retaliatory measures against trade union leaders and members, who had been subjected to intimidation. Trade union premises had been searched and 17 trade union officials arrested on charges of subversion. Some of the latter had been interrogated for 50 hours.

117. The consistent and gross violations of human rights committed in the Islamic Republic of Iran in the course of the past 15 years had led to a situation of very considerable hardship. According to recent information received by the WCL, there had been thousands of cases of suicides, particularly among young people and women.

118. In conclusion, the WCL hoped that the Centre for Human Rights would be allocated sufficient budgetary resources to enable it to strengthen its activities throughout the world.

119. Ms. MAKHEKHE (Lesotho) said that in view of the deteriorating human rights situation in the occupied Arab territories including Palestine, as reflected in document E/CN.4/1994/96, Lesotho endorsed all resolutions calling upon Israel to comply fully with Security Council and General Assembly resolutions in order that continuing violations of the right to life of the

Palestinian people might cease. Although recent diplomatic moves were promising, much more had to be done practically to ensure lasting peace in the Middle East as a whole, taking into account the historical context, the importance of impartial enforcement machinery within the United Nations and the need for greater efforts by all parties to the conflict to agree on the major components in order to solve the problem.

120. The continuing escalation of violence in South Africa described in the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1994/15) had not only led to destruction of property and loss of life but had also jeopardized a permanent and stable political settlement in that country. The threat by extreme right-wing groups to disrupt the electoral process required the international community to monitor the situation closely. The need for a strong United Nations presence in South Africa in the run-up to and following the elections was essential. It was also important that the Government of South Africa complied with the provisions of Commission resolutions E/CN.4/1994/L.12/Rev.1 and L.15. Lesotho, being landlocked by South Africa and thus valuable, was seriously concerned that if a stable political environment was not created in South Africa, Lesotho and the rest of the southern African region would be adversely affected.

121. With regard to the appointment and mandates of special rapporteurs, Lesotho considered that the most important elements to be taken into account were professional expertise in order to ensure an objective analysis of issues and situations, and a thorough study of historical and political situations in order to make objective analyses of such situations.

122. Lesotho, as an outgoing member of the Commission, wished to draw attention to the fact that the Commission's effectiveness depended mainly on the political will of States to fulfil their basic responsibilities of promoting and protecting all human rights. The following issues also needed to be given due attention: international cooperation in order to maximize efforts in solving economic, social, political and human rights problems in different countries; the restructuring of the overall United Nations system in order to enhance its effectiveness in solving those problems; concentrating on the "Agenda for peace" as an instrument which could be effective in preventing conflict and solving human rights problems; implementing the Vienna Declaration and Programme of Action; the removal of all obstacles to the work of the High Commissioner for Human Rights; non-politicization of the Commission on Human Rights in order to make it highly objective and effective; the gradual compatibility of national situations with international human rights instruments.

123. Lesotho took note of the reports of the Secretary-General on action taken in relation to the declaration of a decade for human rights education (E/CN.4/1994/39) and on the development of information activities including the World Public Information Campaign for Human Rights (E/CN.4/1994/36/Add.1), since human rights education would gradually contribute to solving some of the extreme human rights violations.

124. Ms. WENSLEY (Australia) said that the massacre of unarmed Palestinian worshippers by an Israeli settler in a mosque in Hebron had shocked and saddened everyone. The Australian Government extended its sympathy to all who had been bereaved or wounded in that act. It welcomed the condemnation by the Israeli Government and its decision to establish a commission of inquiry and it called upon Israel to take action to prevent a repeat of the appalling attack by disarming not only those Jewish settlers believed to be extremists but all those prone to violence. It urged all parties in the region to exercise restraint and refrain from retaliatory attacks and revenge killings.

125. In Myanmar, an unrepresentative military regime continued to deny citizens the full enjoyment of fundamental rights and freedoms. The State Law and Order Restoration Council (SLORC) had demonstrated little willingness to accommodate democratic aspirations, although it had made some positive gestures, including the release of some political prisoners. It was important that the international community should work more constructively to facilitate lasting reconciliation in that country. To do so it would have to be clear about the benchmarks, such as greater transparency and participation in the current constitutional process and substantially improved human rights conditions, that the SLORC should meet in order to qualify for greater international acceptance. Australia welcomed the relaxation of the conditions of Daw Aung San Suu Kyi's detention and hoped that it would soon be followed by the commencement of dialogue between the SLORC leadership and opposition figures, including Daw Aung San Suu Kyi, on all issues including national reconciliation. It continued to hope that such a development would also lead to the immediate and unconditional release of Aung San Suu Kyi.

126. In Iraq, summary executions, torture, disappearances, arbitrary arrest and detention continued. The Government continued its campaigns against Kurds in the north and against communities in the southern marshes, the draining of which had deprived people of their traditional livelihoods. Australia again called on Iraq to cooperate with the special rapporteurs, which it had so far refused to do, and to accept the proposal that a team of human rights monitors should be stationed inside Iraq with the aim of gathering reliable and independent information about the human rights situation there.

127. The Special Rapporteur's report on the human rights situation in Sudan (E/CN.4/1994/48) made it clear that grave violations of human rights continued in that country, including large numbers of extrajudicial killings, summary executions, enforced or involuntary disappearances, systematic torture and widespread arbitrary arrest of suspected opponents. Australia was especially concerned at the treatment of the Special Rapporteur during his visit to Sudan in 1993, and in particular the reprisals taken against those who contacted him. Furthermore, the Australian Government was appalled at the recent outbreak of violence in southern Sudan and in particular the new military offensive, which had resulted in many civilian casualties, renewed suffering and hardship, and thousands of new refugees. Australia unreservedly condemned the targeting by Sudanese government forces of civilian populations in southern Sudan. Since a solution to the fighting could only come from a

negotiated settlement between the Government of Sudan and the Sudan People's Liberation Army, Australia urged the former to discontinue the present military offensive and to lend its support to regional efforts, particularly those under the Inter-Governmental Authority for Drought and Development, to restore peace and stability.

128. The Australian Government also condemned the continued abuse of the most basic human rights in the former Yugoslavia. As the Special Rapporteur's reports showed, untold crimes against humanity had been perpetrated by all sides with enormous human suffering by the populations of Bosnia and Herzogovina and Croatia. The international community must ensure that those responsible for such crimes were brought to justice. Australia again called on all parties to negotiate their differences peacefully to reach a durable, peaceful solution as only in that way could the lives of thousands of innocent civilians be secured.

129. Australia remained deeply concerned over the continuing war and destabilization in Angola, the cause of immense suffering to the Angolan people. Although there had been encouraging reports of progress in the talks between the Government and UNITA, the continued fighting, including a recent attack on an international aid delivery aircraft, was prolonging a grave humanitarian crisis. There was an urgent need for the parties to achieve a political settlement.

130. Australia believed firmly that all countries should cooperate fully with the United Nations human rights mechanisms. It considered in particular that the United Nations Special Rapporteur on Cuba and the Special Representative on the Islamic Republic of Iran should be able to visit those countries. It called on Cuba and the Islamic Republic of Iran to respond to United Nations efforts to create the conditions that would ensure that their citizens enjoyed the fundamental rights and freedoms set out in the International Bill of Human Rights.

131. From the limited accounts available, the human rights situation in the Democratic People's Republic of Korea was deeply disturbing. Australia called on the authorities in Pyongyang to open up the country to international scrutiny and to seek to meet the fundamental standards set by the Universal Declaration of Human Rights.

132. Australia continued to be concerned about the human rights situation in China and it raised those concerns with the Chinese Government at all appropriate opportunities. Although Australia welcomed the recent release of political prisoners and the efforts being made by the Government to improve the legal system in China, it remained concerned at the continuing reports of violations of human rights in the areas raised by the thematic rapporteurs in their reports. The Australian Government valued the dialogue that had developed between the two countries on human rights issues and would endeavour to strengthen it and give it greater substance.

133. Australia hoped that the cooperative manner in which the Indonesian Government had received the visit by the Secretary-General's representative on East Timor would lead to further cooperation with United Nations human rights machinery, since if there was to be any fundamental improvement of the human

rights situation in East Timor, that cooperation would be of critical importance. It was pleased to note that Indonesia had already invited the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country. Australia had on numerous occasions urged the Indonesian Government to clarify the number and status of those missing as a consequence of the Dili killings.

134. Since it was regrettably true that massive violations of human rights were likely to occur in the future, non-governmental organizations such as Amnesty International and the International Commission of Jurists would continue to have an important monitoring role. The challenge for the Commission was how to develop effective measures to engage Governments and to improve and strengthen the observance of human rights on the ground. The World Conference on Human Rights had shown that dialogue and cooperation and the provision of practical assistance to enable countries to establish or strengthen legal infrastructures and national institutions were the most effective means to enhance respect for human rights. The High Commissioner for Human Rights would have a central role in that process and Australia pledged him its full support.

135. Mr. WIDODO (Indonesia) said that the World Conference on Human Rights had underlined the universality, indivisibility and interdependence of human rights. It was imperative that human rights should be implemented in a balanced manner and that monitoring activities should be carried out in a spirit of cooperation and dialogue, avoiding politicization and selectivity. Monitoring and implementation activities should be conducted in balance with activities in the two other areas of human rights activities: standard-setting and advisory services. Under present conditions that balance was not achieved; monitoring frequently had prima donna status among the Commission's activities at the expense of the others.

136. In the area of monitoring human rights violations, gross violations had pride of place. Such violations related exclusively to the field of civil and political rights with the result that violations in the domain of economic, cultural and social rights rarely received due attention. Extreme poverty and the degradation of human dignity brought about by hunger and homelessness were not commonly regarded as violations of the rights of the human being but rather as understandable consequences of the economic situation of a given country. Furthermore, the debate on gross violations of human rights tended to focus on the negative side of the implementation of human rights and to neglect the positive aspects of that process.

137. The lack of an orderly procedure in addressing the monitoring of human rights violations added to the inefficiency and ineffectiveness of the Commission. The non-governmental organizations generally took up most of the time allocated for deliberations on that item. Although his delegation welcomed the contributions which non-governmental organizations genuinely concerned with human rights could make, the participation of such organizations did not always add to the quality of work of the Commission. The public procedure for consideration of human rights violations had thus become a forum for mudslinging and fault-finding. Allegations were frequently not substantiated, in contravention of such basic principles of justice as the presumption of innocence and fair allocation of the burden of proof. As a

result the debate had become confrontational and driven the process further away from finding remedies to redress the situation. A certain order was needed in the procedure governing the conduct of the debate and the issue should be taken into account in considering the rationalization of the work of the Commission and the restructuring of its agenda.

138. The current structure allowed for arbitrariness in the reporting of human rights violations. Similar cases were often reported quite differently depending on who was behind them or behind the organizations which had an interest in reporting the violations. The unbalanced participation of the non-governmental organizations in terms of countries of origin also tended to lead to neglect of violations in certain areas while concentrating on those elsewhere.

139. Such shortcomings and unbalanced approaches were applicable with regard to Indonesia and in particular to the province of East Timor. The Commission had given undue emphasis in recent years to the human rights situation in the latter area and in particular to the Dili incident of 12 November 1991, which had been overdramatized time and time again as an enduring phenomenon, while positive measures to redress the situation and serious efforts to develop the province were conveniently forgotten. Indonesia was providing increasing openness and greater access to the territory, while the movement of people to and from East Timor had intensified, indicating the improvement of the overall human rights situation there. Overall living conditions in terms of the availability of food, education opportunities, accessibility of health services and protection of individual safety had all improved.

140. The Indonesian delegation regretted the use of statistics to depict a human rights situation based solely on various reports by thematic rapporteurs. The way the reporting mechanism operated was well known and hasty conclusions based on the statistics they contained should be avoided. For example, the report of the Special Rapporteur on summary, extrajudicial or arbitrary executions (E/CN.4/1994/7) made allegations of impunity, without proof as to whether or not they were true or whether or not the violators had really escaped punishment. Despite such methodological deficiencies, the Indonesian Government had extended an invitation to the Special Rapporteur to visit East Timor during 1994.

141. With regard to the report of the Secretary-General on the situation in East Timor (E/CN.4/1994/61), his delegation regretted that the information on East Timor chosen to feature in the annex had been arbitrarily limited to certain non-governmental organizations, ignoring other publicized material giving a more balanced picture of the situation there. It considered that better criteria should be applied when selecting relevant information for insertion in an annex to a document.

The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.54/Add.1.

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Fiftieth session

SUMMARY RECORD OF THE 54th MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Thursday, 3 March 1994, at 7 p.m.

Chairman: Mr. URRUTIA (Peru)

later: Mr. NEAGU (Romania)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

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* The summary record of the first part of the meeting appears as document E/CN.4/1994/SR.54.

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GE.94-12320 (E)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3-6, 7 and Corr.1 and Add.1 and 2, 8, 46-61, 97, 102-104, 110, 115, 119 and 122; A/48/526 and Add.1, 561, 562, 573, 534, 600 and Add.1 and 601; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40 and 42-44)

1. Mrs. MARKUS (Libyan Arab Jamahiriya) said that the principles and purposes of the Charter of the United Nations included the maintenance of international peace and security and cooperation among States to resolve economic problems and promote human rights. The protection of human rights should be based on principles of non-discrimination and neutrality and should never be used as a pretext for achieving political objectives. Moreover, all States had the duty to respect the principles of self-determination and sovereignty of States. To embody those principles, the United Nations had elaborated a number of human rights instruments, beginning with the Universal Declaration of Human Rights in 1948.

2. During the night of 15 April 1986 the people of her country had been awakened by bombs dropped from aircraft that had come from very remote airfields. The people of her country remembered 15 April every year. The same Governments that had sent those aircraft were imposing an embargo on her country, for reasons best known to themselves. She asked all peace-loving countries to take an unbiased stand and judge between her country and the countries responsible for the air raid and embargo.

3. The Libyan Arab Jamahiriya, a country of Islamic culture, had made significant contributions to the promotion of human rights and would continue to do so. Moreover, the People's Committees had promulgated the "Great Green Document on Human Rights" and other legislation protecting fundamental freedoms, and the Libyan Arab Jamahiriya had ratified more than 17 human rights instruments.

4. Respect for human rights was not incompatible with international commitments. Despite political, social and cultural differences, all countries should cooperate in order to guarantee human rights, on the basis of mutual respect and legality, refraining from the use of threats or embargoes.

5. In conclusion, her delegation wished to condemn the Israeli entity for the massacre that had taken place in the Mosque of Abraham at Hebron during the Ramadan prayers. As the Chairman had said, that was a terrorist crime, and she appealed to the Commission to aid the suffering Palestinian people to defend its territory.

6. Mr. de ROUX (Colombia), speaking as Presidential Advisor on Human Rights of the Republic of Colombia, said that his country was heavily affected by violence. Between 5,000 and 10,000 men were members of irregular groups in conflict with the State. Such groups were financed by kidnappings and drug-trafficking and did not hesitate to resort to extrajudicial executions, social cleansing operations and other reprehensible acts. The guerrillas' activities had in turn led to harsh and chaotic forms of paramilitary reaction. The drug traffickers had financed and hired the services of the largest and most dangerous paramilitary organizations. Political and drug-related violence had led to a social violence that pervaded Colombian society to the extent that 80 per cent of the homicides that occurred annually in Colombia were committed by people unconnected to either organization.

7. The State's share of responsibility for that situation had to be acknowledged, since it had failed to punish certain members of the military and police forces who had taken part in extrajudicial executions, disappearances and torture.

8. There were, however, some encouraging signs of improvement in the situation. According to information from non-governmental organizations, political assassinations, murders connected with social cleansing operations and politically-motivated disappearances had decreased in 1993 by percentages ranging from 23 to 66 per cent according to the category of crime. Three factors were responsible for that improvement.

9. First, the paramilitary operations had been dealt a heavy blow as a result of the State's pursuit of the major drug traffickers. The armed self-defence and paramilitary groups had been made illegal and explicitly and repeatedly repudiated by the authorities. Although some cooperation between members of the police and such irregular groups continued, it was less frequent than in the past, because the institutional permissiveness and legislative ambiguity that had fostered it had been eliminated.

10. A second factor responsible for the improvement was the "judicialization" of the internal conflict. Between 1990 and 1993 the government resources allocated to the administration of justice had doubled in real terms. An Office of the Procurator-General of the Nation had been established whose purpose was to coordinate all criminal investigations by the State; it encouraged direct intervention by members of the judiciary in operations conducted by the military and police forces against guerrilla groups and ordinary criminals.

11. To protect the members of the judiciary, special courts had been established, modelled after those in several European countries, which guaranteed anonymity for witnesses, prosecutors and judges. Because of the risks inherent in secret trials, the relevant legislation had recently been revised in order better to guarantee due process. The Government was prepared to explore additional guarantees but wished to point out that the requirements of due process had to be balanced against the protection of the right to life of witnesses, prosecutors and judges.

12. A third factor influencing the improvement in the situation was the development of human rights institutions and legislation. A constitutional reform in 1991 had established a broad "Charter of Rights", a remedy of protection and the office of the Ombudsman. The constitutional reform process had continued throughout 1993 and into 1994: A law had been enacted reforming the national police, establishing an internal disciplinary mechanism and a system of citizens' participation in police matters. Two other laws enacted during that period made human rights education compulsory for all university students in Colombia. A gun-control and gun-ownership statute had been enacted, and the Ministry of Defence and General Armed Forces Command had issued guidelines on the compulsory nature of international humanitarian law for the public forces and instituted educational programmes for them in that field. The Congress had also enacted a law making the enforced disappearance of persons a crime and laying down a special penalty for it. Both the Senate and the House of Representatives had established human rights commissions, and a human rights unit had been established in the Administrative Department of Security.

13. Although it was certainly not sufficient to establish new institutions, enact laws or launch government programmes to resolve human rights problems in a country such as Colombia, such initiatives helped to check further deterioration of human rights and to advance their cause in the country. The Ministry of Foreign Affairs had, through the Colombian Mission in Geneva, issued invitations to the Representative of the Secretary-General for internally-displaced persons and the Special Rapporteur on extrajudicial executions to visit Colombia to evaluate the human rights situation and make any recommendations they deemed appropriate.

14. The Government had also promised to submit legislation to Congress to meet Inter-American Commission on Human Rights recommendations on compensation in cases of human rights violations. It had also shown its willingness to accept the procedures for the amicable solution of certain of the cases currently before the Commission as well as the proceedings against Colombia currently before the Inter-American Court of Human Rights.

15. Mr. ZAHRAN (Observer for Egypt) congratulated the High Commissioner for Human Rights on his appointment and pledged his delegation's cooperation with the High Commissioner and the Centre for Human Rights in order to implement the Vienna Plan of Action.

16. The Commission had devoted two special sessions, and an entire agenda item at its forty-ninth session to the situation in Bosnia and Herzegovina. It might therefore have been thought that an issue of such importance would be given much more attention than it had received at the Commission's current session. For over two years, the brutal military aggression against Bosnia and Herzegovina had been continuing as part of an odious racist plot to empty the entire area of its Muslim inhabitants and eliminate its cultural and religious identity. His delegation condemned brutality, violence and the terrorizing of human beings, wherever it occurred in the world.

17. The anger of the international community had reached its zenith after the savage bombardment of Sarajevo by the Serb forces on 5 February 1994. His delegation condemned that brutality, as well as the massacre of Palestinians by an Israeli at the Mosque of Abraham in Hebron, and urged that protection should be given to all Palestinians and to the Muslims of Bosnia and Herzegovina.

18. The ultimatum that had been given to the Serbs and the fact that four Serb aircraft had been shot down were positive developments that should rapidly be followed by similar effective measures elsewhere. His delegation had hoped that the ultimatum would be applied strictly but statements by the UNPROFOR commanders indicated that at least one-third of the Serb heavy artillery was still within the embargo region. That could only be interpreted as Serb hypocrisy and failure to take the ultimatum seriously. The weakness with which the issue had been dealt would encourage the Serbs to continue to go back on their commitments, the results of which could not but be tragic.

19. His delegation had repeatedly expressed its views on what was happening in the region, most recently on 14 February 1994 before the Security Council, and also through the statement adopted by the ministerial meeting of the Liaison Group of the Organization of the Islamic Conference (OIC). His Government demanded that strong action be taken in response to the aggression being waged against the people of Bosnia and Herzegovina, including coercive measures under Chapter VII of the Charter of the United Nations, and that the people of Bosnia and Herzegovina be allowed to exercise its right of self-defence through the lifting of the military embargo adopted by the United Nations Security Council in resolution 713 (1991). The aggressor must be clearly identified, ethnic cleansing recognized as a crime of genocide and the perpetrators brought to justice.

20. Any solution concerning Bosnia and Herzegovina must be in conformity with the Charter, and the acquisition of territory by force must be rejected, in order to avoid rewarding the aggressor. His delegation welcomed the statement by the Special Rapporteur on Bosnia and Herzegovina and fully supported the measures he requested to put an end to the criminal practices in Bosnia and Herzegovina. He also welcomed the establishment of the Commission of Experts by Security Council resolution 780 (1992) and the International Tribunal by Security Council resolution 829 (1993). Both bodies should be given all the resources and the time they needed to complete their work.

21. The Commission had a particular duty to deal severely with the crimes being committed in Bosnia and Herzegovina. Its resolutions should identify the aggressor clearly and acknowledge that the policy of ethnic cleansing was one of genocide, in order that all refugees and displaced persons might return home and all the other fundamental principles of international law be reaffirmed.

22. Mr. AMOO-GOTTFRIED (Observer for Ghana) said that the Commission was meeting at a time when the human rights situation in the world appeared to be at its bleakest. Even after the World Conference on Human Rights in Vienna, massive human rights violations continued and were even worsening.

Nevertheless, that Conference had achieved several goals, including the reaffirmation of the universality, interdependence and interrelationship of all human rights and the underscoring of the fact that it was the legitimate concern of the international community to protect and promote human rights everywhere.

23. Ghana, the first country south of the Sahara to achieve independence, had learned the hard way that independence and sovereignty were not ends in themselves. They were essentially instruments with which to build a united nation in which the welfare and respect of the human rights of each individual were guarantees of the peace and security of all. Moreover, the world was moving towards a new era which required a review of the traditional concepts of sovereignty and non-interference in the internal affairs of other countries. The response of the international community to armed conflicts in Liberia, Somalia, Bosnia and elsewhere attested to that need.

24. The Commission must avoid being partial or selective in dealing with human rights violations, and it was in that spirit that his delegation welcomed the General Assembly's establishment of the post of High Commissioner for Human Rights and the appointment of Mr. José Ayala Lasso to the post.

25. Optimism must, however, be tempered with realism. There was a limit to the international community's resources for coping with human rights violations in the world. Already peace-keeping fatigue had been noted on the part of some of the countries contributing troops to United Nations peace-keeping efforts.

26. Ghana, however, was continuing its participation in United Nations peace-keeping efforts throughout the world. Although it had been constrained to review its participation in peace-keeping operations in Liberia, it was sending over 1,000 officers and men to Rwanda as part of the United Nations assistance mission there.

27. As the High Commissioner for Human Rights had stressed, the solution to human rights abuse lay not in the appointment of rapporteurs or engagement in unlimited peace-keeping, but in the hearts and minds of men. Human rights should be taught in places of education from the elementary to the university level. Non-governmental organizations should redouble their efforts to enable people to hold their Governments accountable, and Governments should hold each other responsible for their human rights record. That should be done not in a spirit of confrontation or recrimination, but in a spirit of brotherhood and international solidarity. When a so-called independent and sovereign State collapsed or became ungovernable, it was the international community that had to pick up the pieces and restore peace and security to the country concerned.

28. Mr. HJELDE (Observer for Norway) said that his country was deeply committed to the task of building a just world based on human rights. Regardless of economic obstacles, all governments must comply with their obligation to respect the integrity of every human being. His delegation was also concerned at the suffering of the hundreds of millions of people living in extreme poverty and of the millions of refugees and displaced persons. In

connection with the latter, it called on the Commission to build on the principles of the Vienna Declaration with regard to the observance and enforcement of minimum standards - admitting no derogation - for protection of human rights in all situations including internal disturbance, civil and political strife and emergency situations.

29. The increase of racism in Europe demonstrated the need for concerted action at the regional level. His Government welcomed the adoption by the Council of Europe, at its Summit in October 1993, of a comprehensive Plan of Action against Racism.

30. The Special Rapporteur on the former Yugoslavia had again presented to the Commission evidence of the persistence of gross human rights violations in that country. The recent attacks against innocent civilians in Sarajevo were a reminder that the civilian population continued to be the main victim of the war in Bosnia and Herzegovina and underscored the urgent need to reach a political solution to the conflict. Only a negotiated settlement could end the abhorrent practice of torture and violence and the savage attacks against members of international organizations in complete disrespect for international humanitarian law. His delegation also regretted the continued oppression and harassment of the Albanian population in the Serbian province of Kosovo and urged the parties to that conflict to avoid confrontation and resume talks.

31. His Government supported the work of the international Commission of Experts, established to analyse the evidence of atrocities committed in the territory of the former Yugoslavia, and that of the international tribunal established pursuant to Security Council resolution 808 (1993) to try those accused of atrocities.

32. It was more important than ever that the international community should stand united behind the efforts, spearheaded by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, to reach a negotiated settlement. His Government intended to maintain its considerable contribution to the international efforts to bring humanitarian aid to the refugees and internally displaced persons and to bring the perpetrators of war crimes to justice.

33. The Caucasus region continued to be marked by ethnic tension and conflicts. His Government supported efforts being made by the Conference on Security and Cooperation in Europe and the United Nations to assist the parties involved and to reach agreements on peace-keeping missions, including human rights monitoring. Political solutions must include guarantees for human rights observance.

34. In south-eastern Turkey, his Government condemned the terrorism employed by the PKK movement, but it believed that Turkey's right to fight terrorism must be exercised in full compliance with basic human rights. Reports of widespread torture gave rise to particular concern.

35. His delegation welcomed the fact that, in Africa, human rights and multiparty democracy were increasingly being accepted as the guiding principles for political and social development. At the same time, it was deeply distressed by the tremendous suffering caused by continuing ethnic conflicts and local wars in many parts of that continent. All the parties concerned must work for a speedy solution to the conflicts in Angola, Somalia, Burundi and Zaire.

36. In the Sudan, an intensification of military offensives in the southern parts of the country had unleashed a new flood of refugees. His delegation noted with concern the conclusions in the report of the Special Rapporteur on the situation of human rights in the Sudan that grave and widespread violations of rights by both Government agents and SPLA factions continued to take place. It deplored the fact that several persons had been subjected to reprisals after speaking to the Special Rapporteur and appealed to the Government of the Sudan to refrain from new military operations and seek a peaceful solution to the disputes.

37. South Africa was in the process of preparing the first democratic elections, to be held in April 1994. His delegation expected all parties in the country to respect and protect the right to vote and to refrain from threatening violence.

38. In Iraq, well-documented information continued to reveal a pattern of flagrant violations of human rights. His Government was particularly concerned at the subjugation of the marsh Arabs and the repressive policies directed against the Kurds. It joined with others in demanding that the Government of Iraq should permit the human rights monitoring proposed by the Special Rapporteur (E/CN.4/1994/58).

39. The human rights situation in the Islamic Republic of Iran, as presented in the report of the Special Representative (E/CN.4/1994/50), continued to cause grave concern, particularly the persistently high number of executions, the severe restrictions on freedom of expression and association and the discrimination on the ground of religious belief. His delegation was dismayed at the killing of a prominent Armenian, Pastor Haik Hovsepian, and strongly urged the Iranian authorities to bring the perpetrators to justice. His Government condemned the death sentence imposed upon Salman Rushdie and once more urged the Iranian Government to disassociate itself from and reject such intolerable threats.

40. A repressive policy persisted, in North Korea marked by a rigidly-policed society, restricted freedom of movement, disappearances and maltreatment of prisoners. He appealed to the North Korean authorities to release all political prisoners and to comply with international human rights standards.

41. Despite some signs of improvement, the situation in Myanmar continued to be marked by persistent and grave violations of human rights. His Government appealed to the authorities there to ensure full respect for human rights, including the rights of ethnic minorities, to release Daw Aung San Suu Kyi and other political detainees, to allow freedom of movement and to respect the right of the people of Myanmar to choose their own Government.

42. Despite recent concessions to international human rights demands, the situation in China, including Tibet, continued to cause concern. He appealed to the Government of China to make further efforts to guarantee the observance of human rights, to release all political prisoners and to respect the ethnic, cultural and religious identity of the Tibetan people.

43. In Kashmir, the security forces were under an obligation to observe human rights and the rule of law when combating insurgency and terrorism. In Sri Lanka, while appreciating the Government's efforts to improve the human rights situation there, his delegation was concerned at new reports of violations and the increase in the number of arbitrary detentions. It condemned the use of violence for whatever purpose by either party.

44. There had been some positive developments in East Timor, including the invitation extended by the Indonesian Government to the personal envoy of the Secretary-General and the Special Rapporteur on summary and arbitrary executions. He urged the Government of Indonesia to take further action to improve the human rights situation and to account fully for those missing since 11 November 1991.

45. The Government of Cuba was urged to reconsider its current policy and to ensure full respect for human rights and democracy for the people of Cuba, and to reconsider its refusal to cooperate with the Special Rapporteur. In El Salvador, the end of the armed conflict stood out as a major achievement, but the peace was fragile. Both parties were called upon to show restraint and to do their utmost to comply with agreed obligations and pay full respect to human rights. After a deadlocked situation since May 1993, there were signs that the peace process in Guatemala was gaining momentum. However, as the human rights situation was still a cause for grave concern, his delegation urged the Government of Guatemala to use all possible means to ensure the human rights of all segments of the population.

46. Lastly, he wished to pay tribute to the special rapporteurs of the Commission, the non-governmental organizations and all human rights defenders and to pledge his Government's support and cooperation to the newly-appointed High Commissioner for Human Rights.

Statements in exercise of the right of reply

47. Mrs. MARKIDES (Cyprus) said that the Turkish Cypriots had lived peacefully, intermingled with their Greek Cypriot compatriots, for ages. She expressed surprise at the Turkish Observer's statement that, because of the relatively high per capita income of the people living in the area under the effective control of the Government, the refugees who had been forcibly expelled from the occupied area should not exercise their right to return to their homes. Linking per capita income to the exercise of human rights was inconceivable.

48. Turning to the Turkish Observer's allegation that a population exchange had taken place under an agreement, she suggested that Turkey should abide by the provisions of that agreement, known as the Vienna III Agreement, which

provided for the restoration and protection of the human rights of the Greek Cypriots living in the occupied area. She also informed the Turkish Observer that there was no "Turkish Cypriot people" in Cyprus, but a Turkish Cypriot community that constituted 18 per cent of the population of Cyprus. She had been pleased to hear that the Turkish side wanted a negotiated settlement of the Cyprus problem. Instead of continuing the expulsion of the remaining enclaved persons from the occupied area, it should display goodwill at the negotiations under way in Nicosia.

49. Mr. ADALI (Observer for Turkey), said that the Turkish Cypriots were unfortunately not represented in the Commission, an injustice that should be corrected.

50. The human rights problem in Cyprus was the result of a political problem that dated back to 1963, when a surprise armed onslaught unleashed by the Greek Cypriots against the Turkish Cypriots had destroyed the constitutional order and enabled the Greek Cypriots to usurp the powers of the State. The events had caused severe human rights violations for the Turkish Cypriots, including deaths, enforced disappearances, internal displacements and the destruction of entire villages, all of which was documented in the reports of United Nations bodies.

51. Despite the United Nations peace-keeping efforts and the ongoing political dialogue, the Turkish Cypriots had, from 1963 to 1974, been subjected to a blockade and a virtual war of attrition by the Greek Cypriots. At that point, on 15 July 1974, the Greek Cypriot leader, Makarios, had been overthrown by a violent coup d'état engineered by the military junta then ruling Greece. The coup had lasted for five days and caused thousands of deaths and missing persons. Turkey's intervention, which had been based on the relevant international agreements, had saved the independence of the island and the lives of the Turkish Cypriots.

52. It was against that tragic background that every allegation by the representative of Cyprus must be examined. Those allegations were inconsistent with paragraphs 20 to 25 of the Secretary-General's report to the Commission (E/CN.4/1994/46). The question of internally-displaced persons in Cyprus had to be considered in the context of agreements between the two sides on exchanges of population.

53. The Turkish Cypriot side had accepted the Varosha/Nicosia International Airport package of confidence-building measures proposed by the Secretary-General as a means of creating an area under United Nations administration to provide opportunities for intercommunal contact and trade and for the partial improvement of the embargo against the Turkish Cypriot community with regard to travel and external trade. All other aspects of Turkish Cypriot life unfortunately remained unaddressed.

54. DAW YIN YIN MYINT (Observer for Myanmar) said that the individual who had spoken under the auspices of the non-governmental organization called the International Peace Bureau was actually the head of the self-styled "National

Coalition Government of the Union of Burma", an illegal group that was based outside Myanmar and was actively engaged in armed warfare against the Government of Myanmar. Her delegation most strongly protested the use of the Commission by a non-governmental organization to undermine a Member State.

55. Mr. ALKADHI (Observer for Iraq) said that his country had been the target of an unacceptable attack by the European Union and a number of other European States. Those prearranged positions had nothing to do with human rights but were part of a Western plot against his country. As everyone knew, if the interests of certain influential European States were threatened, those States turned into warmongers and totally ignored the principles they ostensibly upheld. Examples, of which there were thousands, included their participation in the destruction of Iraq and the fact that they were starving the Iraqi people under cover of the embargo.

56. While asserting that they were the only defenders of human rights, those States violated the basic principles of humanity, especially in third-world countries. That policy had had negative effects on the work of the United Nations and the Commission on Human Rights itself, for the peoples of the third world were beginning to lose confidence in such allegations of human rights abuses. They had suffered too long from the European States' selectiveness, double standard policy and use or threat of force, which harked back to the carving-up of the world among the victor States after the First World War.

57. It was illogical to invoke Iraq's responsibility in Kurdistan, a region that was under the protection of the Coalition forces. It was difficult to understand how Iraq could have responsibilities in a region that was not under its control. It appeared that the problem in Iraqi Kurdistan had turned into one of electricity supplies in Dohuk, which, of course, had nothing to do with the lifting of the embargo against Iraq so that it could buy the necessary spare parts and resolve the problem in Kurdistan and elsewhere in Iraq.

58. Mr. QADER (Bangladesh) said that the incident at Naniarchar referred to by the representative of the International Commission of Jurists had consisted of a clash between two groups of people that had resulted in the deaths of 12 persons and injuries to others. His Government deeply regretted the incident, which had got out of hand and escaped the control of the law-enforcement agencies, and had promised compensation to the families affected. It had also opened an investigation and intended to take the appropriate action as prescribed by the law.

59. The Naniarchar incident had not been due to lack of sincerity on the part of the Government as was evidenced by the fact that it had had no impact on the ongoing political dialogue with the Chakma leadership. In fact, the leaders of the Chakma insurgency group had recently sat down with a Government delegation in Bangladesh to finalize arrangements for the return of the tribal refugees to their homes in Bangladesh. Naturally those who did not want political reconciliation among Bangladeshis were upset about those positive developments and were trying to raise issues that had no basis in fact. The history of Bangladesh was typified by harmonious and healthy inter-communal relations, notwithstanding such small incidents as were bound to happen in a country of 120 million people.

60. A similar reply might be made to the representative of the International Movement against All Forms of Discrimination and Racism. If the team of tribal refugees had in fact found the area militarized and not conducive to their return, it was difficult to understand why the refugees had been returning in their thousands since 15 February 1994. It was clear that some agencies wished to make mountains out of molehills and light the fires of communalism where none existed.

61. In conclusion, he asked those who really wished to help his country to refrain from spreading baseless allegations such as that of temples being used as army camps. No one in their wildest dreams could imagine God-fearing Bangladeshis committing such acts.

62. Mr. REYES (Cuba) said that the delegations of Austria, Norway and Sweden were attempting to hide their own problems by accusing others. His delegation urged the Governments of those countries to invite the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance to visit their countries to study those phenomena, which occurred systematically in their territories. With regard to Sweden in particular, the Special Rapporteur should look into the arbitrary treatment and attacks that had occurred against refugees and immigrants of Latin American origin. In the case of Australia, an independent expert of the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be asked to study the reports of violations of the rights of indigenous peoples.

63. The Commission had listened to supposed representatives of religious sectors deliver an obviously political message that was far removed from the religious faith they claimed to profess. It was not surprising that there were no black people or people of mixed blood in their ranks, since they were members of the racist elite that had for years enriched itself through the sweat and blood of the Cuban people. Their much-talked-of letter had been drafted by a small number of people, whereas only silence surrounded the subsequent letters from tens of thousands of Cubans of all faiths and creeds in support of their people and its revolution.

64. Those supposed priests supported the criminal blockade by the United States against Cuba, preventing access by Cuban children to the food and medicine they needed, and allowed themselves to be used by the United States and the far right-wing Cubans in Miami to manipulate religious feeling in order to break the resistance of the Cuban people.

65. As for those who spoke of limitations on trade-union rights in Cuba, at that very moment thousands of Cuban trade-union organizations were holding discussions and submitting proposals to the Government for the elaboration of its economic programme. Not many countries existed where that would be feasible, and especially not in the West.

66. Mr. PAK Dok Hun (Observer for the Democratic People's Republic of Korea), said that the European Union's concern over the human rights situation in his country had coincided with its campaign against his country over the so-called

nuclear issue. His delegation rejected the Union's assertions as misinformation and distortion. The European Union was clearly pursuing a political purpose in dealing with the human rights situation of individual countries. Its human rights principles differed from country to country and region to region according to its geostrategic purpose and economic interests.

67. The Union should deal first with the reports in its own region of ill-treatment and torture by police, prison officers and security agents, excessive use of lethal weapons and xenophobia. The recommendations of the United Nations human rights monitoring bodies showed that the human rights observance of the countries of the European Union were a long way from the requirements of the international conventions.

68. His delegation would not comment on the statements by the representatives of Australia and Norway, who did not even know the name of the country whose image they were trying to tarnish.

69. Mr. KAUL (India) said that he and other Kashmiris were convinced that their destiny lay with India and that secular democracy was the only way to create a harmonious, peaceful and progressive society in that country. India was not a Hindu State but a multilingual and multireligious country, with 10 million Buddhists, over 10 million Sikhs, 15 million Christians and 140 million Muslims in a population of approximately 900 million.

70. It was strange that not a single non-Muslim had ever held the office of President of Pakistan, while two Indian Presidents and many cabinet ministers had been Muslims. Nevertheless, he welcomed the statement that the Government of Pakistan was unconditionally devoted to the promotion and protection of the human rights of its people and particularly the more vulnerable sections such as women and children. In that connection, he hoped that women's evidence would henceforth be given the same weight as men's, and not only half, as was currently the case in Pakistan, and also that minorities would be permitted to enjoy equal rights, which they currently did not.

71. The remarks by the representative of Pakistan were neither justified nor factually correct. In fact, they reflected the condition of people living in Pakistan-occupied Kashmir and the northern territories, rather than in the Indian side of Kashmir. In the northern territories and POK, free and fair elections had not yet been held, and fundamental freedoms were suppressed ruthlessly. Even inside Pakistan, atrocities committed by the Pakistan army and security forces were well-known.

72. His delegation objected to the internationalization of bilateral problems. The Simla Agreement established the principles for settling conflicts peacefully and bilaterally by India and Pakistan, and enjoined both countries not to upset the line of control through force or threat of force. For the past four years, Pakistan had been setting up training bases in Pakistan-occupied Kashmir and inside Pakistan and was guiding them to commit acts of sabotage and subversion, looting and arson in Punjab and the Indian State of Jammu and Kashmir, in blatant violation of that Agreement. Its failure in both areas explained its current attempt to internationalize the problem.

73. The Simla Agreement mentioned durable peace and normalization of relations, including the question of repatriation of prisoners abroad and civilian internees, a final settlement of the question of Jammu and Kashmir and the resumption of diplomatic relations. Apart from the last point and the repatriation of 93,000 prisoners-of-war and civilian internees, those provisions had been completely ignored by Pakistan. The late President Bhutto had been willing to prepare the ground for the settlement of the question of Jammu and Kashmir but had unfortunately been prevented from doing so by the military clique in Pakistan which had ultimately succeeded in organizing his judicial murder.

74. His Government's return of over 5,000 square miles of territory, which it had occupied as a result of the 1971 war, had been a rare event in recent history. However, instead of appreciating that friendly approach, the military rulers of Pakistan had launched a campaign of hatred, subversion and sabotage against India.

75. The Government of India's record was second to none in upholding the fundamental freedoms of its people, including those of Jammu and Kashmir. However, no Government worth its salt could fail to protect its people against crimes instigated by the authorities of a neighbouring country.

The meeting rose at midnight.

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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 March 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session (continued)

Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

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GE.94-12196 (E)

CONTENTS (continued)

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (continued)

The meeting was called to order at 10.20 a.m.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION (agenda item 17) (continued) (E/CN.4/1994/L.32-L.38 and L.41; E/CN.4/1994/2, chapter I, section B, draft decisions 1, 2, 4, 6, 8, 11, 13 and 14)

Draft resolution on the work of the Sub-Commission on Discrimination and Protection of Minorities (E/CN.4/1994/L.32)

1. Mr. MUCH (Germany), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Austria, Finland, the United Kingdom of Great Britain and Northern Ireland and the United States of America and the observers for Belgium, Greece, Portugal, Senegal and Spain, said that it welcomed the initiative of the Sub-Commission to request information about emergency situations, reaffirmed that the Sub-Commission could best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts and requested the Sub-Commission to pay attention to the guidelines concerning the number of studies and to establish priorities relating to its work. That was simply a pragmatic response to the Sub-Commission's growing workload.

2. The Sub-Commission deserved the Commission's support in the coming years, and his delegation hoped that the draft resolution would be adopted by consensus.

3. Mr. LEBAKINE (Acting Secretary of the Commission) said that the resolution was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

4. Draft resolution E/CN.4/1994/L.32 was adopted.

Draft resolution on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (E/CN.4/1994/L.34)

5. Mr. van REENEN (Netherlands), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of Nigeria, said that its text built upon the language adopted by the Commission at its forty-ninth session and added a new paragraph to reflect the current alarming financial situation of the Fund. It was to be hoped that the draft resolution would be adopted without a vote.

6. Draft resolution E/CN.4/1994/L.34 was adopted.

Draft resolution on the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1994/L.35)

7. Mr. van REENEN (Netherlands), introducing the draft resolution on behalf of its sponsors, drew the Commission's attention to the paragraphs dealing with the Sub-Commission's recommendation that the Commission create for a

period of three years a working group on contemporary forms of slavery. The sponsors considered that Sub-Commission resolution 1993/7 had not elaborated on the issue as to whether a new working group on contemporary forms of slavery under the auspices of the Commission would prove an effective mechanism for the implementation of the Conventions on slavery. In addition, the desirability of establishing such a working group must be assessed in the light of a number of considerations spelt out in the eighth preambular paragraph which, in the sponsors' view, had not been taken into account by the Sub-Commission when adopting resolution 1993/7.

8. Consequently, the draft resolution invited the Sub-Commission to clarify its position, to review its resolution 1993/7 in the light of the current mandate of the existing Working Group on Contemporary Forms of Slavery, of the need for avoiding duplication of efforts, and of other possible options for establishing an effective mechanism for the implementation of the Conventions on slavery, and to submit to the Commission at its fifty-first session its recommendation(s) for establishing such a mechanism, to consider strengthening its involvement in the activities of the existing Working Group on Contemporary Forms of Slavery as an alternative to establishing a new mechanism and to consider the possibility of giving guidelines to the Working Group for setting priorities in the field of its activities.

9. It was to be hoped that the draft resolution would be adopted without a vote. Essentially, all it did was refer the matter back to the Sub-Commission for reconsideration.

10. Mr. LEBAKINE (Acting Secretary of the Commission) said that the observer for Portugal had been mistakenly included in the list of sponsors and should be deleted; while the delegations of Nigeria and the United Kingdom of Great Britain and Northern Ireland and the observers for Belgium, Greece and Latvia had become sponsors.

11. Draft resolution E/CN.4/1994/L.35 was adopted.

Draft resolution on the International Decade of the World's Indigenous People (E/CN.4/1994/L.36)

12. Mr. WILLIS (Australia), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of Nigeria and the observer for Slovakia, said that it was a follow-up to the proclamation by the General Assembly of the International Decade which was to begin on 10 December 1994. The interim period was to be devoted to planning for the Decade in partnership with the indigenous peoples and the draft resolution emphasized the importance of coordinated planning to ensure the success of the Decade, making some constructive suggestions to that effect.

13. He drew attention to an error in operative paragraph 18, line 4, of the English text. The words "of staff" should be inserted after "placement" and the words "to the unit" should be changed to read "in the unit".

14. Draft resolution E/CN.4/1994/L.36, as orally corrected, was adopted.

Draft resolution on human rights and disability (E/CN.4/1994/L.37)

15. Mr. MARANTZ (Canada), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Australia, Costa Rica, Cyprus, Germany, the Islamic Republic of Iran, Japan, the Libyan Arab Jamahiriya, Nigeria and the United Kingdom of Great Britain and Northern Ireland and the observers for the Czech Republic, El Salvador, Greece, Ireland, Philippines, Sweden and Turkey, said that a new preambular paragraph should be inserted between the existing third and fourth preambular paragraphs to read: "Noting also the Centre for Human Rights publication 'Study Series 6 - Human Rights and Disabled Persons', of the Despouy Report, in which the establishment of a mechanism such as an international ombudsman is proposed". He hoped that the draft resolution would be adopted without a vote.

16. Draft resolution E/CN.4/1994/L.37, as orally revised, was adopted.

Draft resolution on a permanent forum in the United Nations for indigenous people (E/CN.4/1994/L.38)

17. Mr. LARSEN (Observer for Denmark), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Canada, Ecuador and Nigeria, said that the text was a procedural follow-up to the decisions taken by the World Conference on Human Rights and at the forty-eighth session of the General Assembly regarding the establishment of a permanent forum for indigenous people within the United Nations system. The draft resolution was submitted in order to create the best possible basis for further deliberations on the issue at the Commission's next session.

18. Following intensive consultations, the sponsors had decided to insert a new paragraph between the first and second preambular paragraphs to read: "Bearing in mind articles 55 and 56 of the United Nations Charter in the context of all human rights of the indigenous people". He hoped that the draft resolution would be adopted without a vote.

19. Draft resolution E/CN.4/1994/L.38, as orally revised, was adopted.

20. The CHAIRMAN said that, as a result of the adoption of draft resolution E/CN.4/1994/L.38, draft decision 12, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, was superseded.

Draft resolution on the report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1994/L.41)

21. Mr. MARANTZ (Canada), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Cyprus and Nigeria and the observers for Greece and Slovakia, said that it superseded Sub-Commission resolution 1993/45. The necessary resources and assistance requested of the Secretary-General in operative paragraph 9 were to be drawn from the regular budget of the United Nations. He hoped that the draft resolution would be adopted without a vote.

22. Draft resolution E/CN.4/1994/L.41 was adopted.

Draft decision on enhancing the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1994/L.33)

23. Mr. WEISSBRODT (United States of America), introducing the draft decision on behalf of its sponsors, which had been joined by the delegation of Cyprus, said that a change had been made just before the draft decision had been submitted for printing, and it had not been possible to consult with the many delegations who had seen only the earlier versions. In line 7 of the English text, the words "or premature" had been inserted after the word "unnecessary". He hoped that that would be acceptable to all the sponsors.

24. The draft decision expressed concern that the Sub-Commission had taken on so many studies that it was experiencing difficulty in carrying out its primary objectives. Many significant studies, such as those on compensation and minorities, were not receiving the attention they deserved.

25. Notwithstanding its current overload, the Sub-Commission had sought approval to initiate five new studies. That would exceed the limit of 13 studies that the Sub-Commission had promised to maintain in its 1992 guidelines. In fact, the Sub-Commission had listed 19 studies and similar projects in its report to the Commission at its current session.

26. The draft decision responded to that problem by asking the Sub-Commission to reconsider the new studies in the light of its own priorities and capabilities. It did not favour one study over another, and it would affect Sub-Commission members from several countries, including his own. Consultations had been held with all the countries whose nationals were affected; none of them had objected and some had even joined the sponsors.

27. The draft decision was not an attack on the Sub-Commission's independence or that of its members; indeed, it expressly recognized that independence. Its purpose was to help the Sub-Commission improve its work by giving it the time it needed to deliberate fully on the studies it undertook. By adopting a neutral approach to new studies, the Commission would enable the Sub-Commission to establish its own priorities. It would not cancel the new studies and would permit the members of the Sub-Commission to continue preparing working papers without financial implications.

28. Since the draft decision had been prepared following wide consultations with members of the Commission from every region, he hoped that it would be adopted by consensus.

29. Mr. MORA GODOY (Cuba) said that he would appreciate some clarification from the representative of the United States regarding the purpose of the draft decision.

30. Mr. KHOURY (Syrian Arab Republic) said that one of the Sub-Commission's main functions was to carry out studies. The results of such studies were not binding. The Commission could merely take note of them; it did not necessarily have to adopt them.

31. Some delegations might prefer the Sub-Commission not to make studies that had political implications. However, there was no reason whatsoever to oppose the making of studies that were without such implications and did not require the establishment of new machinery. Consequently, his delegation was unable to support the draft decision.

32. Mr. WEISSBRODT (United States of America) said that the purpose of the draft decision was to help the Sub-Commission deal with its work overload and abide by the guidelines it had adopted in 1992 limiting the number of studies to be undertaken. The Sub-Commission had had, and continued to have, difficulty in meeting its obligations owing to an excessive workload.

33. The draft decision was neutral; it did not favour one study over another and its purpose was certainly not to eliminate any studies. It simply asked the Sub-Commission to rethink its priorities.

34. Mr. CHAKRAVARTI (India) said that, in his introductory statement, the representative of the United States had explicitly stated that the studies in question would be treated in a neutral manner, without favouring one over the other. Such neutrality should be maintained. Consideration of studies in the future should not be based on arbitrary priorities.

35. Mr. MORA GODOY (Cuba), speaking in explanation of vote before the voting, said that his delegation would have preferred that the Commission adopt the Sub-Commission's decisions relating to the five new studies, on the basis of the principle of non-selectivity. By adopting draft decision E/CN.4/1994/L.33, the Commission would, in effect, be failing to endorse the new studies, which included a study on contemporary forms of slavery; a study on slavery and slavery-like practices during wartime, and, most important of all, a study on the privatization of prisons.

36. He wished, in particular, to draw attention to the precedent that would be created by adopting the draft decision under consideration. Although it would not insist on a vote, his delegation had strong reservations about the draft decision.

37. Mr. HELLER (Mexico) said that his delegation fully endorsed the draft decision, which guaranteed the independence of the Sub-Commission. Its purpose was not to eliminate studies, but to rationalize the Sub-Commission's work.

38. Mr. Chang Hoon KIM (Republic of Korea) said that his delegation endorsed the draft decision since it would help the Sub-Commission to improve its methods of work. Adoption of the draft decision did not prejudge the importance or rank of the studies concerned. Nevertheless, it was concerned lest the adoption of the draft decision might be interpreted as calling the stability and the independence of the Sub-Commission into question.

39. Draft decision E/CN.4/1994/L.33 was adopted without a vote.

40. The CHAIRMAN said that, as a result of the adoption of draft decision E/CN.4/1994/L.33, draft decisions 1, 2, 4, 8 and 13, recommended by the Sub-Commission, were superseded. The adoption of draft resolution E/CN.4/1994/L.35 meant that draft resolution I, recommended by the Sub-Commission, was superseded.

Draft decision on traditional practices affecting the health of women and children (E/CN.4/1994/2, chapter I, section B, draft decision 6)

41. Draft decision 6 was adopted without a vote.

Draft decision on cultural and intellectual property of indigenous peoples (E/CN.4/1994/2, chapter I, section B, draft decision 11)

42. Mr. VERGNE SABOIA (Brazil), supported by Mr. CHARAVARTI (India), said that the wording of the draft decision should be modified so as to conform to the language used by the General Assembly, the World Conference on Human Rights and the Commission itself. He suggested, therefore, that all references to "indigenous peoples" should be amended to "indigenous people".

43. Mr. WILLIS (Australia) said that his delegation would prefer to retain the expression "indigenous peoples".

44. The Brazilian amendment to draft decision 11 was adopted.

45. Draft decision 11, as orally amended, was adopted without a vote.

Draft decision on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/1994/2, chapter I, section B, draft decision 14)

46. Draft decision 14 was adopted without a vote.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 10) (continued) (E/CN.4/1994/L.29, L.31, L.42-53, and L.54/Rev.1; E/CN.4/1994/2, chapter I, section A, draft resolutions II, V and VI; chapter I, section B, draft decisions 3, 4 and 13)

Draft resolution on assistance in the field of the administration of justice and human rights (E/CN.4/1994/L.31)

47. Ms. KOSGEI (Kenya), introducing the draft resolution on behalf of its sponsors, said that the administration of justice was central to the protection and promotion of human rights. When the administration of justice was hampered by the lack or inadequacy of human, material or financial resources, the enjoyment of human rights was gravely affected.

48. The draft resolution thus called upon Governments, the international community and the Centre for Human Rights to consider increasing the material, financial and human resources they provided to developing countries with a view to enhancing and strengthening the administration of justice in order to protect and promote the full enjoyment of human rights. While requesting such assistance, the resolution acknowledged that it was the primary responsibility of all Governments to protect and promote human rights.

49. The draft resolution was very similar to resolution 1993/32, which the Commission had adopted by consensus. She hoped it would do the same with the current draft resolution.

50. Draft resolution E/CN.4/1994/L.31 was adopted.

Draft resolution on human rights and forensic science (E/CN.4/1994/L.43)

51. Mr. PACE (Secretary of the Commission) said that the resolution was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the 1994-1995 biennium.

52. Mr. MALGINOV (Russian Federation), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of France, Germany, and the United States of America, and the observers for the Czech Republic, Greece and Latvia, said that he appreciated the suggestions of the many delegations that had participated in consultations. In 1992, the Commission had requested the Secretary-General to compile a list of forensic-science experts who might provide advice or assistance to various fact-finding bodies; in the current draft resolution, the Commission was making the same request in order to expand that list.

53. In the thirteenth preambular paragraph, the words "Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992 and other" should be deleted. He hoped that the draft resolution, which was similar to that adopted by consensus in 1993, could be adopted without a vote.

54. Draft resolution E/CN.4/1994/L.43, as orally revised, was adopted.

Draft resolution on the question of arbitrary detention (E/CN.4/1994/L.44)

55. Mr. DAUFRESNE de la CHEVALERIE (France), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Cuba, Guinea-Bissau, Netherlands, Poland, Russian Federation, Tunisia, United Kingdom of Great Britain and Northern Ireland and United States of America and the observers for Latvia, Madagascar and the Philippines, noted that the Working Group on Arbitrary Detention had been established three years previously. The creation of a new mechanism was always an important moment and it was thus with particular interest that he was submitting the draft resolution that renewed the Group's mandate. During its first mandate, the five experts had elaborated their working methods and given special attention to cooperation with all those affected by the cases submitted for its consideration. He was sure that they would continue that dialogue approach.

56. Drawing attention to some changes the sponsors had made in the draft resolution at the request of delegations, he said that, in the fourth and fifth lines of operative paragraph 1, the text should read "the importance that it attaches to respect for the procedures it has established for its dialogue with States". Secondly, the order of operative paragraphs 5 and 6 should be reversed. Operative paragraph 5 (former 6) would then read "Takes note in this context of the importance that the Working Group ...". In operative paragraph 16, the words "or a similar procedure" should be inserted after the words "Habeas corpus" in the second line. At the end of operative paragraph 19, the words "within the framework of its mandate" should be added.

57. Mr. LEBAKINE (Acting Secretary of the Commission) said that the resolution was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

58. Draft resolution E/CN.4/1994/L.44, as orally revised, was adopted.

Draft resolution on the right to freedom of opinion and expression (E/CN.4/1994/L.46)

59. Ms. BUCK (Canada), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Bulgaria, the United Kingdom of Great Britain and Northern Ireland and the United States of America and the observers for Latvia, Liechtenstein and Slovakia, said that it welcomed the first report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, who had been appointed at the Commission's previous session.

60. Following consultations with several delegations and among the sponsors, it had been decided that operative paragraph 10 should be replaced by the following text:

> "Concerned at the number of cases of arbitrary detention ordered following the exercise of the rights protected by article 19 of the

International Covenant on Civil and Political Rights concerning the right to freedom of opinion and expression, as noted in the third report of the Working Group on Arbitrary Detention;"

61. Mr. LEBAKINE (Acting Secretary of the Commission) said that the resolution was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

62. Draft resolution E/CN.4/1994/L.46, as orally revised, was adopted.

Draft resolution on human rights in the administration of justice (E/CN.4/1994/L.48)

63. Ms. KOFLER (Austria), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Canada, Cyprus and France and the observers for Belgium, Latvia, New Zealand and Sweden, said that it dealt with the question of the administration of justice in the light of the results of the World Conference on Human Rights. Its sponsors looked forward to working closely with the delegation of Kenya and the other sponsors of resolution E/CN.4/1994/L.31 at the Commission's fifty-first session.

64. Draft resolution E/CN.4/1994/L.48 was adopted.

Draft resolution on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/1994/L.50)

65. Mr. GARRETON (Chile), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Austria, Cyprus, Cuba and the United Kingdom of Great Britain and Northern Ireland and the observers for Belgium, Democratic People's Republic of Korea, Latvia, Norway, Philippines, Portugal and Sweden, said that the victims of a violation of human rights committed by the State which should protect them had to be compensated when that State failed in its function as a protector and became a transgressor.

66. It was a well-known fact that Governments frequently presented their victims as terrorists or delinquents and the agent who had committed the violation as a hero in the service of his country. The policy of rehabilitation should begin to establish the truth and restore the victim's dignity.

67. In the opinion of the sponsors of the draft resolution, the Sub-Commission should examine the principles proposed in the expert's report with a view to formulating recommendations to the Commission on its implementation.

68. Draft resolution E/CN.4/1994/L.50 was adopted.

Draft decision on the right to a fair trial (E/CN.4/1994/L.51)

69. Mr. ENDO (Japan), introducing the draft decision on behalf of its sponsors, which had been joined by the delegation of Germany, said that it expressed the Commission's appreciation to the Sub-Commission's Special Rapporteurs for their work and endorsed the Sub-Commission's request to them to continue their study, taking into account the comments made in the discussion of their preparatory, preliminary and progress reports. The Commission would decide to consider, at its fifty-first session, the final report of the Special Rapporteurs including, if appropriate, the desirability of a third optional protocol to the International Covenant on Civil and Political Rights.

70. Mr. LEBAKINE (Acting Secretary of the Commission) said that the decision was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

71. Mr. KHOURY (Syrian Arab Republic) said that the draft decision seemed to be pre-empting the Commission's judgement as to whether or not a third optional protocol should be adopted. Instructions were being given to the Special Rapporteurs who might or might not deem a third protocol to be desirable.

72. Draft decision E/CN.4/1994/L.51 was adopted.

Draft resolution on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1994/L.47)

73. Mr. KORHONEN (Finland), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Germany, Japan, Nigeria and Tunisia and the observers for Belgium, Greece, Luxembourg, Senegal and Spain, said that the text was self-explanatory. He stressed the need for Governments to contribute to the Fund on a regular basis so that it could provide assistance to the victims of torture and their families.

74. Draft resolution E/CN.4/1994/L.47 was adopted.

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1994/L.54/Rev.1)

75. Mr. VAN CRAEN (Observer for Belgium), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Cameroon, Cyprus, Poland and the United States of America and the observers for the Czech Republic and Malta, said that torture was one of the most serious violations of human rights and should therefore be the subject of universal condemnation. He recalled that the World Conference on Human Rights had urged all States to put an immediate end to the practice of torture and eradicate that evil forever and had called on all States to cooperate fully with the Special Rapporteur on the question of torture in the fulfilment of his mandate.

76. In that spirit, the sponsors of the draft resolution attached special importance to the work of the Special Rapporteur on the question of torture, which was aimed at establishing an open dialogue so as to help the Governments concerned to take the necessary measures to end those degrading acts.

77. As compared with the text adopted the previous year, an additional paragraph had been included inviting the Special Rapporteur to examine questions concerning torture directed primarily against women. The text also stressed the importance of the role played by advisory services and technical assistance.

78. Draft resolution E/CN.4/1994/L.54/Rev.1 was adopted.

Draft resolution on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1994/L.49)

79. Mr. HALINEN (Finland), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Côte d'Ivoire, Germany, Guinea-Bissau and Mexico and the observers for Greece, Luxembourg and Panama, said that it urged all States to become parties to the Convention as a matter of priority. The sponsors hoped that it could be adopted without a vote.

80. Mr. LEBAKINE (Acting Secretary of the Commission) said that the resolution was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

81. Draft resolution E/CN.4/1994/L.49 was adopted.

Draft resolution on the problem of missing persons in the territory of the former Yugoslavia (E/CN.4/1994/L.29)

82. The CHAIRMAN said that the draft resolution in question was sponsored by an observer delegation. In accordance with rule 69, paragraph 3, of the rules of procedure, unless a member of the Commission requested that the draft resolution be put to the vote, the Commission would take no action on it. Since no member of the Commission had commented on the subject, he assumed that the Commission wished to take no action on draft resolution E/CN.4/1994/L.29.

83. It was so decided.

Draft resolution on the question of enforced disappearances (E/CN.4/1994/L.45)

84. Mr. DAUFRESNE de la CHEVALERIE (France), introducing the draft resolution on behalf of its sponsors, said that the new title was intended to evoke the very important Declaration on the Protection of All Persons from Enforced Disappearance. The report of the five experts comprising the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26) showed that acts of enforced disappearance had persisted in 1993. It also analysed the causes and

modalities of that form of organized repression. The draft resolution embodied the experts' concern about the growing climate of impunity which led directly to an increase in enforced disappearances.

85. The sponsors had made a number of changes to the draft resolution. The sixth preambular paragraph should read "Noting that, according to the Working Group, the practice of a number of States runs counter to the provisions of the Declaration". The penultimate preambular paragraph should read, after "Working Group": "and noting with satisfaction the compilation by the Secretary-General of a preliminary list of experts in this field". The word "concerned" should be deleted from operative paragraphs 11 and 12. In operative paragraph 17, the words "pursuant to its mandate" should be replaced by "in exercise of its mandate". The phrase "to assess the practice of States in the light of the Declaration" should be deleted from operative paragraph 18. In operative paragraph 21, the words "or a similar procedure" should be inserted after the words "habeas corpus". Lastly, in operative paragraph 23, the word "Endorses" should be replaced by "Noting with interest".

86. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Canada, Cyprus, Guinea-Bissau, the Netherlands and the United Kingdom of Great Britain and Northern Ireland and the observers for the Czech Republic, Latvia, Luxembourg, Madagascar and Portugal, had become sponsors of the draft resolution.

87. Mr. VERGNE SABOIA (Brazil) said he would like clarification of the bracketed portion of operative paragraph 14 of the English text.

88. Mr. DAUFRESNE de la CHEVALERIE (France) said that the words "in all circumstances" were not bracketed in the French original and that the brackets should be removed in the English version.

89. Draft resolution E/CN.4/1994/L.45, as orally revised, was adopted.

Draft resolution on the question of a draft optional protocol to the Convention against Torture and Other, Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1994/L.52)

90. Mr. RODRIGUEZ ALPIZAR (Costa Rica), introducing the draft resolution on behalf of its sponsors, said that it recalled Commission resolution 1992/43 establishing an open-ended working group to elaborate a draft optional protocol and resolution 1993/34 requesting the working group to meet for a period of two weeks prior to the Commission's fiftieth session. The working group's meeting had been very well attended and it had made significant progress. However, since it had not been able to consider all the documents before it, the draft resolution requested it to meet again for two weeks prior to the Commission's fifty-first session (operative para. 2). The sponsors hoped that, as in the previous year, the draft resolution would be adopted without a vote.

91. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Bulgaria, Cuba, Cyprus, Germany, the United Kingdom of Great

Britain and Northern Ireland and the United States of America and the observers for Greece, Latvia, Malta and Panama had become sponsors of the draft resolution.

92. Draft resolution E/CN.4/1994/L.52 was adopted.

Draft resolution on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/1994/L.53/Rev.1)

93. Mr. VAN CRAEN (Belgium), introducing the draft resolution on behalf of its sponsors, said that it was the culmination of a decade-long process of reflection and deliberation in both the Sub-Commission and the Commission. Improving the quality of the rule of law was a prerequisite for an independent judiciary. The mechanisms proposed in the draft resolution would contribute to that end. He hoped that, in the spirit of consensus which had prevailed at Vienna, the draft resolution would be adopted without a vote.

94. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Angola, Australia, Austria, Cameroon, Chile, the Republic of Korea and Uruguay and the observers for the Czech Republic, Denmark, Ireland, Jordan, Luxembourg, Madagascar, Slovakia and Sweden had become sponsors of the draft resolution.

95. Mr. KHOURY (Syrian Arab Republic) said that his delegation would have preferred a more balanced text. The draft resolution seemed to stress civil and political rights over economic, social and cultural rights.

96. Mr. CHAKRAVARTI (India) requested a spelling correction in the sixth preambular paragraph. The name there should read Mr. "Singhvi". His delegation wished to become a sponsor of the draft resolution.

97. Mr. LEBAKINE (Acting Secretary of the Commission), speaking on the administrative and programme-budget implications of the resolution, said that the resources required to implement operative paragraphs 2 and 3 were estimated at US$20,000 for 1994. A statement on the administrative and programme-budget implications of the resolution would be submitted to the Economic and Social Council at its forthcoming session in the context of the Council's review of the report of the Commission on Human Rights on its fiftieth session.

98. Draft resolution E/CN.4/1994/L.53/Rev.1, as orally corrected, was adopted.

Draft resolution on staff members of the United Nations and of the specialized agencies in detention (E/CN.4/1994/L.42)

99. Mr. PRACANA (Observer for Portugal), introducing the draft resolution on behalf of its sponsors, said that it was similar to resolution 1993/39, adopted by consensus at the Commission's previous session. However, in the light of the deliberations of the General Assembly at its forty-eighth session concerning the drafting of a convention on the question, some changes had been made.

100. In the second line of the fourth preambular paragraph, the words "sending missions in difficult conditions to" should be inserted before the words "various parts of the world", the word "in" being deleted. In the same paragraph, the phrase "particularly in peace-keeping missions and humanitarian operations in difficult conditions", in the second and third lines, should be deleted, and the phrase "it is imperative that its staff members", in the third and fourth lines, should be followed by the words "and other personnel acting under its authority".

101. Mr. LEBAKINE (Acting Secretary of the Commission) said that the delegations of Canada and Guinea-Bissau and the observers for Greece, Latvia, Luxembourg, Norway and Turkey had become sponsors of the draft resolution.

102. Draft resolution E/CN.4/1994/L.42, as orally revised, was adopted.

Draft resolution on the question of human rights and states of emergency (E/CN.4/1994/2, chapter I, section A, draft resolution II)

103. Mr. LEBAKINE (Acting Secretary of the Commission) said that the resolution was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

104. Draft resolution II was adopted.

Draft resolution on the question of the impunity of perpetrators of violations of human rights (E/CN.4/1994/2, chapter I, section A, draft resolution V)

105. Mr. LEBAKINE (Acting Secretary of the Commission) said that the resolution was considered to be within the scope of perennial activities. Resources would, therefore, be provided from within existing provisions for the Economic and Social Council mandates under section 21 (Human Rights) of the approved programme budget for the biennium 1994-1995.

106. Draft resolution V was adopted.

107. The CHAIRMAN said that draft resolution VI on the independence of the judiciary, particularly with regard to judges and lawyers, as well as court officers, recommended by the Sub-Commission, had been superseded by the adoption of draft resolution E/CN.4/1994/L.53/Rev.1. Draft decision 3 on the right to a fair trial, recommended by the Sub-Commission, had been superseded by the adoption of draft resolution E/CN.4/1994/L.51. Draft decision 4 on the recognition of gross and large-scale violations of human rights as an international crime and draft decision 13 on the question of the privatization of prisons, recommended by the Sub-Commission, had been superseded by the adoption of draft resolution E/CN.4/1994/L.33.

108. Mr. CROOK (United States of America) said that his delegation had joined the consensus on draft resolution E/CN.4/1994/L.48 without prejudice to its position that the responsibilities of the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice should be more clearly delineated in order to avoid duplication. It had joined the consensus on

draft resolution E/CN.4/1994/SR.31, but wished to point out that the sixth preambular paragraph departed from the language of the major instruments adopted at the World Conference on Human Rights. In the event of any uncertainty, the Vienna texts should prevail.

109. Ms. RAMLI (Malaysia) said that her delegation had joined the consensus on draft resolution E/CN.4/1994/L.46, despite its reservations concerning the last preambular paragraph and operative paragraph 6. It supported the right of freedom of opinion and expression and the Malaysian Constitution provided for the enjoyment of fundamental freedoms, including individual rights and freedom of speech, which were essential to a democratic society. It was concerned, however, about abuse of the right to freedom of opinion and expression.

110. It welcomed reports on detention, discrimination, threats, acts of violence and harassment against professionals, in the field of information, as mentioned in the paragraphs she had referred to, since such reports brought those individuals' plight to the attention of the international community. It also appreciated the important role that professionals in the field of information had to play. The right to freedom of speech, however, was not a licence to tell lies. Reports produced on the question should be fair and truthful but, as many members of the Commission would agree, that was often not the case.

The meeting rose at 1 p.m.